

PC SCANIN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**FILED**
5/28/2019 JN
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTWilliam D. Riley EL
Plaintiff

vs.

Salvador Godinez et. al.,
Defendants.

) Case No. 15 CV 11180

) Honorable Judge John Z. LEE

) Magistrate Judge Young B. Kim

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
HIS RESPONSE TO DEFENDANTS FED. R. CIV. P. 56
MOTION FOR SUMMARY JUDGMENT

Now comes Plaintiff, William D. Riley EL, pro se, responds to
Defendants' Motion for Summary Judgment as follows:

I. FACTS

1. The Plaintiff, William D. Riley-EL, is an inmate at Stateville Correctional Facility ("Stateville"), in the custody and control of the Illinois Department of Corrections ("IDOC"). Plaintiff has brought this lawsuit pursuant to 42 U.S.C. § 1983 alleging three counts of retaliation, in violation of his First Amendment rights, against thirteen current and former employees of the IDOC. Specifically, Plaintiff contends that Defendants conspired to engage in a pattern and practice of harassment, by issuing bogus disciplinary reports against plaintiff, in retaliation for filing prior grievances, and lawsuits against the prison administration. See Ex¹ 1, Pla. Ver. Compl., Ex² 2 Pla. Depos.

¹ All exhibits references are made to "Defendants' Local Rule 56.1 Statement of Material Facts."

2. Plaintiff was subjected to shakedowns, strip searches, retaliatory transfer, and false disciplinary reports, in retaliation for grievances and lawsuits filed prior to November 7, 2013, and a continuous pattern and practice of harassment and retaliation after November 7, 2013 to 2016, that would have deterred a person of ordinary firmness from exercising his First Amendment rights. SEE Ex #2, Pla. Depos. 86:6-90:22, Ex #1 Pla. Verified Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B, 8-8A, 9-9C.

3. Defendant LEMKE engaged in arbitrary and malicious actions against Plaintiff on or about the date of November 7, 2013, by authorizing the extraction of Plaintiff from cell D-142 by "Orange Crush", and tactical officer Hamilton, who subjected plaintiff to three unconstitutional strip searches shakedowns, a retaliatory transfer on November 7, 2013, for filing grievances and lawsuits against Defendant LEMKE (Warden), and other prison officials. SEE Ex. #2, Pla. Depos. 20:20-23, Ex #1 Pla. Ver. Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B.

4. Defendants LEMKE and McGARVEY engaged in further harassment and retaliation by placing plaintiff on the closed maximum security wing at "Stateville" on or about the 12TH of November 2013, without a hearing or a investigation or disciplinary infraction being wrote. SEE Ex #2 Pla. Depos. 41:12-13, Ex #1, Pla. Ver. Compl. parag. 20-26, Ex. 1-1A, 2-2E, 3-3B, 8-8A.

5. Defendant SHAW engaged in further harassment and retaliation by writing a trumped up investigation report (11/24/13), then two day late a disciplinary report (11/26/13), after plaintiff wrote a grievance on or about 11/19/13, pertaining to the events that occurred on November 7, 2013, whereby plaintiff placed said grievance on his cell bars for mail pick-up. SEE Ex #2, Pla. Depos. 21:22-24:24, Ex 1. Pla. Ver. Compl. ^{pages} 20-26, Ex. 3-3b.

6. Defendants, Laskey and McGarvey, engaged in further harassment and retaliation against Plaintiff by authorizing the implementation of the investigation report (11/24/13), and the disciplinary report (11/26/13), whereby the Defendants signed-off on both reports beyond the authorized time frame required by 504.30(f) of the 20 Ill. Admin Code. SEE Ex#1 Pla. Ver. Compl., ex 1A, 2-2E, 3-3B.

7. Defendant, C. Wright, engaged in further harassment and retaliation by adjudicating a disciplinary report (11/26/13, 12/10/13), that was bogus on its face, and finding Plaintiff guilty of charges, that otherwise wouldn't have been written, but for retaliatory purposes. SEE, Ex#1 Pla. Ver. Compl., ex 1-A, 2-2E, 3-3B.

8. Defendants, Laskey, McGarvey, and Magana, engaged in further harassment and retaliation by failing to release Plaintiff from punitive isolation / Administrative Detention, once Plaintiff got the disciplinary report expunged, and refused to return Plaintiff's property once the disciplinary report was expunged, so plaintiff was NEVER MADE WHOLE, BECAUSE defendants claim that Plaintiff's property was either lost or destroyed by defendants, and Plaintiff did three months of segregation for an unsubstantiated traped up charge by defendants. SEE Ex#1 Pla. Ver. Compl., ex 5-5A.

9. Defendants, Shaw, Clements, Laskey, McGarvey, Range, C. Best, Mansfield, and T. Williams, engaged in further harassment and retaliation by issuing ANOTHER disciplinary report on or about the date of JUNE 13, 2014, for conspiracy to STG activity, but Plaintiff WAS NEVER released from punitive isolation / Administrative Detention. Plaintiff filed NUMEROUS grievance after the first disciplinary report was expunged, which were dated 2/10/14, 3/12/14, 3/12/14, 3/14/14, 3/27/14, 3/27/14, 4/5/14, 4/17/14, 4/24/14, 5/9/14. Defendants continued their course and pattern of harassment by issuing a guilty ruling and giving plaintiff A YEAR ACROSS the board, MEANING A YEAR segregation, C-Grade, commissary denial, visit restriction. SEE Ex#1 Pla. Ver. Compl. ex 8-8A, 9-9C, 10-10A, 11-11A, 12-12A, 13-13A, 14-14C, 15-15A, 16-16A, 17-17A, 19-19A.

10. Defendants Shan, Clements, Best, Hosselton, Fredericks, Marshall, engaged in further harassment and retaliation, by issuing another bogus disciplinary report, by finding Plaintiff guilty, and issuing Plaintiff another year across the board, for the disciplinary report dated 10/9/15. See Ex #1 Pla. Ver. Compl. count III

STANDARD OF REVIEW

11. Summary judgment is proper if, "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment, the opposing party must go beyond the pleadings and 'set forth specific facts showing that there is a genuine issue for trial.' Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

12. A genuine issue of material fact exists if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Id. at 248. The party seeking summary judgment has the burden of establishing the lack of any genuine issue of material fact. See Celotex Corp. v. Catrett, 477 U.S. 317, 323, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). Summary judgment is proper against "a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case and on which that party will bear the burden of proof at trial." Id. at 322. The party opposing summary judgment "must do more than simply show that there is some metaphysical doubt as to the material facts." Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp., 475 U.S. 574, 586, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986). "The mere existence of a scintilla of evidence in support of the [opposing] position will be insufficient; there must be evidence on which the jury could reasonably find for the [opposing party]." Anderson, 477 U.S. at 252.

ANALYSIS

13. To establish a prima facie case of retaliation, an inmate must produce evidence that a protected activity was "at least a motivating factor" in retaliatory action taken against him, i.e., action that would likely deter protected activity in the

future." *Mays v. Springborn*, 719 F.3d 631, 635 (7th Cir. 2013) (quoting *Mays v. Springborn*, 575 F.3d 643, 650 (7th Cir. 2009)). That is, he must show three things: (1) that he engaged in constitutionally protected speech; (2) that he suffered a deprivation likely to deter future protected speech; and (3) that his protected speech was at least a motivating factor in the defendants' actions. See *Gomez v. Randle*, 680 F.3d 859, 866 (7th Cir. 2012); see also *Antoine v. Rams*, 497 F.Appx 631, 633 (7th Cir. 2012) (citing *Kidwell v. Eisenhower*, 679 F.3d 957, 965 (7th Cir. 2012)). If the inmate satisfies these elements, the burden shifts to the defendants, who must rebut the causal inference with evidence showing that they would have taken the same action even without any retaliatory motive. *Mays*, 719 F.3d at 635; *Antoine*, 497 F.Appx. at 633; *Mays*, 575 F.3d at 650.

14. The defendants cannot be found liable if they would have conducted the shakedown no matter what. *Antoine*, 497 F.Appx at 634. Thus, "if the defendants produce evidence that they would have taken action against Plaintiff even in the absence of his speech, Plaintiff would also have to show that those reasons were pretextual." *Sueringer-El v. Cook County Sheriff's Dept.*, 602 F.3d 852, 861 (7th Cir. 2010). "At the summary judgment stage, this means a plaintiff must produce evidence upon which a rational finder of fact could infer that the defendants' proffered reason is a lie." *Zellner v. Harrick*, 639 F.3d 371, 379 (7th Cir. 2011); see also *Valentino v. Vill. of S. Chi. Heights*, 575 F.3d 644, 670 (7th Cir. 2009) ("The plaintiff may still reach trial by producing sufficient evidence to allow a reasonable fact finder to determine that the defendants' reasons were merely a pretext for the adverse action, at least in part, for exercising his First Amendment rights").

ARGUMENT

15. The First Amendment forbids prison officials from retaliating against prisoners for exercising the right of free speech. *Farrow v. West*, 320 F.3d 1235, 1248 (11th Cir. 2003); accord. *Crawford-El v. Britton*, 523 U.S. 574, 588 n.10, 118 S.Ct. 1584 (1998) ("The reason why such retaliation offends the Constitution is that it threatens to inhibit exercise of the protected right."); *Hoskin v. Leneay*, 395 F.3d 372, 375

(7TH Cir. 2005) (per curiam) ("Prisoners ARE ENTITLED to utilize available grievance procedures without threat of retaliation..."); *Scott v. Coghlin*, 344 F.3d 282, 287-88 (2d. Cir. 2003) ("... [Plaintiff's] involvement in filing claims against prison officials and helping others do so was protected activity, as it was an exercise of his right to petition the government for redress of grievances under the First Amendment.")

16. It is also unconstitutional to retaliate against prisoners for exercising the right of access to courts. Prison officials may not retaliate against prisoners for using the courts or trying to do so, (The protected act of trying to gain court access should include whatever actions a prisoner needs to take in order to get his claim into court. In *Siggers-El v. Barlow*, 412 F.3d 693 (6TH Cir. 2005), a prison employee refused to process a disbursement the plaintiff needed in order to retain a lawyer to file a court action; the prisoner went over the employee's head to his supervisor, and suffered retaliation as a result. The court rejected defendants' claim that going to a higher official was not constitutionally protected, holding that it was "part of his attempt to access the courts." 412 F.3d at 699. Whatever the form of the retaliation. (*DeTomas v. McGinnis*, 978 F.2d 211, 214 (7TH Cir. 1992) ("Whether the retaliation takes the form of property or privileges does not matter") (dictum).

17. In the instant case, Plaintiff wrote grievances on or about the date of 6/5/13, complaining of Staff Conduct, Dietary, Medical Treatment, ADA Disability Accommodation, and Therapeutic Diet, to Warden Lemke, who responded by denying said emergency grievance on 6/25/13. On 6/15/13 Plaintiff filed another grievance pertaining to Staff Conduct, Medical Treatment directly to counselor Bishop, on 7/14/13 Plaintiff filed an emergency grievance directly to Warden Lemke again pertaining to Staff Conduct, Medical Treatment, and Dietary, Warden Lemke responded on 7/19/13 by denying the grievance. On 7/31/13 Plaintiff filed another directly to counselor Bishop who received the grievance on 8/9/13, pertaining to Staff Conduct, and ADA Disability Accommodation. On 9/10/13 Plaintiff filed an emergency grievance directly to Warden Lemke, who received it on 10/1/13, which pertained to Staff Conduct, and Medical Treatment. These grievances were used to file lawsuits in Federal Court, in late September or early October. ²⁰¹³ (13CV5768, 13CV5771, 13CV5773) (13CV8656)

18. On or about the date of November 4th or 5th of 2013, Plaintiff had a brief conversation with Warden Lemke in D-house, at Plaintiff's cell assignment "D-142," whereby Plaintiff asked Warden Lemke about an extra mattress, which Plaintiff was entitled to because it was medically prescribed by the Medical Director, back in July of 2013, but Plaintiff hadn't received it yet, and was suffering severe back pain daily, and Plaintiff explained this to Warden Lemke. Warden Lemke asked for Plaintiff's name and number, put it in his phone and stated "let me check on them, we have some on order."

19. Warden Lemke and his staff, both Assistant Wardens were in D-house, because about four or five inmates had gotten shot in the dining hall at lunch time on this day, and they were checking on the inmates in D-house. Plaintiff was talking to one of the individuals who got shot and was giving him sound legal advice on what he should do moving forward, and Ms. Williams overheard Plaintiff and ran from her desk at the door, to the Sgt. Office, and told the Lt. and Sgt. what Plaintiff was saying. Two or three days later Plaintiff was being extracted from his cell assignment by a tactical response team, and stripped searched three times before being transferred to another ^{Prison} without any of Plaintiff's property, which happened on November 7, 2013, the first act of harassment and retaliation against Plaintiff. (With regard to Plaintiff's allegations of retaliation, an act in retaliation for the exercise of a constitutionally protected right violates the Constitution. See *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Dale*, 429 U.S. 274, 283-84, 97 S.Ct. 568, 50 L.Ed.2d 471 (1977); *Motzker v. Herr*, 748 F.2d 1142, 1150 (7th Cir. 1984), limited on other grounds, *Salazar v. City of Chicago*, 940 F.2d 233, 246-47 (7th Cir. 1991).

20. Prisoners have a constitutional right of access to the courts that, by necessity, includes the right to pursue the administrative remedies that must be exhausted before a prisoner can seek relief in court. See *Preiser*, 411 U.S. at 413, 93 S.Ct. 1827. Thus, a prison official may not retaliate against a prisoner because that prisoner filed a grievance. See *Babcock*, 102 F.3d at 274-75; *Black*, 22 F.3d at 1402-03; see also *Higgason*, 83 F.3d at 810 (retaliation for filing lawsuits); *Murphy v. Lane*, 833 F.2d 106, 108-09 (7th Cir. 1987). This is so, even if the adverse action does not independently violate the Constitution. See *Babcock*, 102 F.3d at 275.

21. "To state a cause of action for retaliatory treatment, a complaint need only allege a chronology of events from which retaliation may be inferred." *Black*, 22 F.3d at 677. A strip-search in jail or prison can be cruel and unusual punishment. See *Mays v. Springborn*, 575 F.3d 643, 649 (7th Cir. 2009); *Peckham v. Wisconsin Dept. of Corrections*, 141 F.3d 694, 697 (7th Cir. 1998). A prisoner states a claim under the Eighth Amendment when he plausibly alleges that the strip-search, in question was motivated by a desire to harass or humiliate rather than by a legitimate justification, such as the need for order and security in prisons. See *Calhoun v. DeTella*, 391 F.3d 936, 939 (7th Cir. 2003); *Mettweller v. Faulkner*, 821 F.2d 408, 418 (7th Cir. 1987); see also *Hudson v. Palmer*, 468 U.S. 517, 530, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984) (Eighth Amendment protects against "calculated harassment unrelated to prison needs"). Even where prison authorities are able to identify a valid correctional justification for the search, it may still violate the Eighth Amendment if "conducted in a harassing manner intended to humiliate and cause psychological pain." *Mays*, 575 F.3d at 649. In short, where there is no legitimate reason for the challenged strip-search or the manner in which it was conducted, the search may "involve the unnecessary and wanton infliction of pain" in violation of the Eighth Amendment. *Rhodes v. Chapman*, 462 U.S. 337, 346, 101 S.Ct. 2392, 69 L.Ed.2d 59 (1981), quoting *Gregg v. Georgia*, 428 U.S. 153, 173, 96 S.Ct. 2259, 49 L.Ed.2d 889 (1976).

22. On November 7, 2013, Plaintiff was subjected to a cell extraction at TAM, whereby, tactical officer ran through D-house (Unit Delta), where Plaintiff was assigned. Three tactical officers stood in front of cell assignment "D-142", and a "Special Operation Response Team (S.O.R.T.) member came and asked Plaintiff his name. Once Plaintiff was identified the S.O.R.T. team member gave direct orders to Plaintiff and his cellmate. The S.O.R.T. member told Plaintiff to strip and ordered the cellmate to face the back wall of the cell. Then Plaintiff and the cellmate switched areas, and the cellmate was stripped. (1st strip search). Then both inmates were handcuffed and walked to the dining hall. Plaintiff ambulates with a crutch since at least 2006, and has had knee problems since 2006. Plaintiff was also suffering from uncontrollable blood pressure (hypertension), stage 4 or 5 (ESRD), end stage renal disease, when these events took place.

23. While waiting in the dining hall Plaintiff's name was called, and Plaintiff was ordered, and escorted to a movement room with more inmates and tactical officers. Plaintiff was lined up against a wall with other inmates and told to strip again.

24. The process of the strip search consist of taking all your clothing off in front of everybody, where the tactical officers deliberately inspect the bodies of each prisoner. The search examined each prisoner's head, mouth, genitals, buttocks, legs and toes. Plaintiff asserts that tactical officers ordered each prisoner, at the same time, to "open his mouth, to stick his tongue out, up and down," and "run your fingers through your hair, flap his ears, grab his genitals, pull the foreskin back on your penis, after that, lift up your scrotum, turn around, bend over at the waist, take your hands, spread your buttocks then come back up and lift your right foot and left foot and wiggle your toes."

25. After the strip search process for the second time this morning of November 7, 2013, Plaintiff was ordered and escorted back to the dining hall in handcuffs with his crutch, and sat on the opposite side of the dining hall away from the others, the other twenty or so prisoners that was in the dining hall. After the other prisoners were stripped searched, a tactical officer came and called five names, Plaintiff's name was one of them, we, the five prisoners, were separated to one side of the dining hall, then ordered and escorted back to the movement room again, this time there was five jumpsuits, that's worn when you're being transferred. We were lined up against the wall and ordered to strip again, and put through the same process described above. This was the third time this morning that Plaintiff was put through this strip-search process. Once Plaintiff got to Menard he was strip-searched again for the forth time. A retaliatory transfer. See *Higgason v. Farley*, 83 F.3d 807, 810 (7th Cir. 1996) ("If a prisoner is transferred for exercising his own right of access to the courts, or for assisting other in exercising their right of access, he has a claim under § 1983") see also *Pratt v. Rowland*, 65 F.3d 802, 807 (9th Cir. 1995) ("We ... hold that the retaliation cause of action... survives SANDIN").

26. Mr. Riley EL ON November 9, 2013 was transferred back to Stateville prison. Mr. Riley EL was placed in the health care unit infirmary from the 9th of November, to the 12th of November 2013. Mr. Riley EL was placed on the closed maximum security wing in X-house, with nothing but a mattress and the jumpsuit he was wearing. Mr. Riley EL asked about his property that was left in his cell assignment, when he was transferred to Menard prison on the 7th of November. Mr. Riley EL found out later that Major McGarvey ordered personal property officers to label all Mr. Riley EL's property excessive, because they Unit Delta staff felt embarrassed because Mr. Riley EL has so much property, that he couldn't have been in cell compliance, so all Mr. Riley EL's property, except for his legal material, was confiscated by property, and labeled excessive, but there wasn't a disciplinary report written, and the Adjustment committee is the only entity within the 2011 Admin. Code that has the power to make a legitimate decision on the disposition of my property. That didn't happen here, it was totally bypassed and I was given a confiscation, disposition sheet from property with all my property listed on it with three (3) options on it ("authorize to have it destroyed", "mail out on visit", or "file a grievance, but Mr. Riley EL's property was never given back, and eventually was told that his property was either destroyed or lost. Another act of retaliation.

27. On or about November 9, 2013 Mr. Riley EL filed a grievance pertaining to the arbitrary treatment he was put through on November 7, 2013 with the cell extraction, the strip searches, the denial of food and water, the retaliatory transfer, the whereabouts of his property, the labeling of Mr. Riley EL as a gang-leader, and so forth. The grievance was placed in the institutional mail on or about the night of November 9th 2013 to counselor Healthcare unit, because Mr. Riley didn't know who the counselor was, and the health care staff didn't either. So Mr. Riley EL's grievance eventually landed in the hands of counselor A. Hall on 11/29/13. It either floated around from desk to desk or it sat on counselor's A. Hall's desk for twenty days. Mr. Riley EL contends that he didn't receive a investigative report until his grievances were filed. Then two days later after this bogus investigative report (November 24, 2013) by % Shaw, a disciplinary report was received by plaintiff on November 26, 2013. Mr. Riley EL contends that defendants Shaw, Laskey, McGarvey, and Lake who authorized the bogus disciplinary charges conspired with Torri, and Range to attempt to try and fix their mistakes, by rewriting the bogus disciplinary report. Lt. C. Wright heard the bogus disciplinary report where

Mr. Riley EL, by reading his written statement, explained that the disciplinary report was beyond the time frame to be served upon a prisoner and %Lt. Wright stated "It all depends on who counting the days." With that statement from %Lt. Wright Mr. Riley EL knew he wasn't going to beat the disciplinary report even though it was bogus. %Lt. Wright conspired with other defendants to uphold the bogus disciplinary report by finding Mr. Riley EL guilty of said disciplinary report in retaliation for filing a lawsuit against him. (11cv4401) Mr. Riley EL received (3) three months segregation, C-Grade, commissary denial, visit restriction for the bogus disciplinary report. Mr. Riley EL filed a grievance on or about 1/15/14, grievance #562, which ruled that the 205 charge is not substantiated. The counselor Anna McBeal recommended that the disciplinary report be expunged. Warden Magana concurred the decision on 2/28/14. Mr. Riley EL had a discussion with Warden Magana in late January, early February of 2014 about the disciplinary report. It consisted of me showing him the ruled book, and the section 504.35(f) of the Admin. Code, where by it stated that no investigative or disciplinary report may be served no more than eight ^{days} upon an adult offender. Once I showed Warden Magana my dates on the disciplinary report he tried to tell me that, that is not what that means. Warden Magana conspired with the other defendant to keep me in isolation. Mr. Riley EL was not released from his isolated state, nor was his property returned, defendants held Mr. Riley EL in a isolated state and engaged in more retaliatory acts, of calculated harassment, by refusing to restore Mr. Riley EL back to the position he was in prior to the bogus disciplinary report. On 3/12/14 Mr. Riley EL filed a grievance for "Personal Property, Staff Conduct, Harassment and Retaliation." On 4/24/14, Mr. Riley EL filed another emergency grievance #13/3 for "Personal Property, Staff Conduct, Defamation, Harassment and Retaliation." On 5/6/14 Warden Tarry Williams received and responded to it on 5/7/14, denying said grievance. Mr. Riley EL was eventually written another disciplinary report in retaliation for filing grievances, whereby the same information was used from the first disciplinary report in this second disciplinary report for 205, by the same defendants Shaw, Lasky, McGarvey, Range, and Clements. Mr. Riley EL was found guilty, even though he was never released from isolation, of the disciplinary charges by Adjustment Committee members %Lt. Best, and counselor D. Mansfield. Mr. Riley EL received 1 year segregation, 1 year C-Grade, 1 year commissary denial, 1 year visit restriction, and transferred to Pontiac prison and placed in North Administrative Detention isolation unit. Mr. Riley EL completed the year and was held at Pontiac prison in Administrative Detention. Mr. Riley EL also

was sick and suffering through the whole ordeal, from hypertension, severe knee pain, back pain (lower), and end stage renal disease (ESRD), whereby Mr. Riley EL lost 50 lbs of muscle mass and was close to death when his kidneys failed. Mr. Riley EL was sent to UIC in July of 2015, and admitted to receive his first dialysis treatment of three at UIC. Mr. Riley EL was transferred back to Stateville prison once he was released from the hospital straight to Stateville prison. Mr. Riley EL was transferred back to Stateville prison because it is the only maximum security prison in Illinois that provides hemodialysis treatment to prisoners. Mr. Riley EL's legal property that was in his cell at Pontiac prison was packed and shipped to Stateville prison by prison officials. Mr. Riley EL was held in Administrative Detention (A.D.) status at Stateville prison upon his return in July of 2015, even though now, he's a hemodialysis patient and receives treatment (3) three times a week for the rest of my life. In early September of 2015, Mr. Riley EL received a A.D. hearing to determine if it was necessary to continue to hold Mr. Riley EL in isolation. Mr. Riley EL went to the A.D. committee hearing and spoke his truths, which was enough to convince the committee to vote in Mr. Riley EL's favor to release him from A.D. isolation. On or about October 19th of 2015, both Internal Affairs and the Intelligence officers came to Mr. Riley EL's cell assignment to shakedown his property and cell. % Shaw and % Clements went downstairs to the storage area, where the excess legal boxes are kept. % Shaw and % Clements went through Mr. Riley EL's excess legal boxes/material, and claimed that contraband was found in the nature of STG related material, and wrote Mr. Riley EL another bogus disciplinary report for 205, and Mr. Riley EL was found guilty by % Lt. Best and Jill Hosselton of the Adjustment committee, and received 1 year segregation, 1 year C-Grade, 1 year commissary denial, 1 year visit restriction. Mr. Riley EL contends that defendants actions were a continuous sadistical and malicious pattern, and campaign to harass and retaliate against Mr. Riley EL due to the committee's ruling to release Mr. Riley EL from A.D. isolation. Defendants fabricated the disciplinary report of contraband because Mr. Riley EL's excess legal material was in the custody and control of correctional officers since the time Mr. Riley EL was first placed in isolation since November 7, 2013. Mr. Riley EL contends that on November 7, 2013 Mr. Riley EL had 21 excess legal boxes. Once Mr. Riley EL was transferred to Pontiac prison and his legal material was shakedown Mr. Riley EL only had nine legal excess boxes, so it would have been impossible for any contraband to be in my excess legal boxes, because Pontiac officials went through it piece by piece.

28. The allegations made in Plaintiff's complaint certainly present a chronology from which retaliation can be inferred. Again, Plaintiff's allegations adequately set forth a chronology of events from which retaliation may be inferred. See *Black*, 22 F.3d at 1399. To begin with, the alleged retaliatory actions began almost immediately after Plaintiff filed grievances and lawsuits against Defendants, which suggest a causal relationship. The same is true of Plaintiff's allegation that on several occasions, in the weeks and months after Plaintiff filed grievances, and lawsuits against said defendants, Plaintiff received unjustified disciplinary reports from other staff members, culminating in the incident involving I.A., S.O.R.T., and the arbitrary transfer of Plaintiff to Menard, and confiscation of all plaintiff's property as excessive.

29. Plaintiff allegations that the Wardens (Lemke, T. Williams, and Magana) failed to remedy or prevent the illegal actions taken by certain correctional officers / IA, is at bottom, a claim that the Wardens / Directors failed to protect Plaintiff from, and therefore condoned, the malicious campaign of harassment and retaliation he allegedly experienced. See *Gentry v. Duckworth*, 65 F.3d 555, 561 (7th Cir. 1995); see also *Boken v. City of East Chicago, Ind.*, 799 F.2d 1180, 1189-92 (7th Cir. 1986).

30. An official meets the "personal involvement" requirement when "he or she acts or fails to act with deliberate or reckless disregard of plaintiff's constitutional rights, or if the conduct causing the constitutional deprivation occurs at his other direction or with his or her knowledge and consent." See *Smith v. Rowe*, 761 F.2d 360, 369 (7th Cir. 1985) (citation omitted).

31. Plaintiff's contention that the disciplinary tickets was fabricated in retaliation for engaging in protected speech is properly within the scope of a § 1983 suit. Grieving about prison conditions is protected First Amendment activity, *Gomez v. Randle*, 680 F.3d 859, 866 (7th Cir. 2012), and Plaintiff argues that the temporal proximity of his various grievances, and the three lawsuits that were just filed prior to November 7, 2013 raised an inference that his First Amendment activity was a motivating factor for the strip searches,

retaliatory transfer, and placement on a maximum security closed unit in administrative detention, as well as the false disciplinary reports. Plaintiff contends that Defendants' actions were based only on his First Amendment activity, because Plaintiff was properly placed at "Stateville" prison with a medical hold, and appointments to return to UIC Nephrology Clinic in the near future prior to being transferred to the other end of the State, "Menard" prison, where Plaintiff couldn't receive proper medical treatment. This is something that Defendants wouldn't have done anyway, and was a retaliatory act that exposed their true intentions to harass and retaliate against Plaintiff.

32. Plaintiff also argues that "Defendants" - (Stateville Administration, Internal Affairs, Intelligence officers), wrongfully engineered Plaintiff's punishment by fabricating a series of serious charges, knowing that the falsehood would lead to the Plaintiff's immediate placement in isolation, without any intervening hearing and then land him with 3 months in segregation, then a year segregation, and then again another year in segregation. You cannot be put into administrative segregation solely to punish you for filing a lawsuit. See *Clegg v. Pate*, 229 F. Supp. 818 (N.D. Ill. 1964). Nor can you be transferred to punish you for filing a lawsuit, whether for yourself, or for someone else. *Thaddeus-X v. Blatter*, 175 F.3d 378 (6th Cir. 1999).

33. The Defendants do not dispute these facts on their motion for summary judgment, and we have (7th Circuit) held that such temporal proximity between an inmate's lawsuit and disciplinary action may serve as circumstantial evidence of retaliation. See *Flaherty*, 713 F.2d at 14; cf. *Harris v. Fleming*, 839 F.2d 1232, 1238 (7th Cir. 1988) (timing of litigation and alleged retaliation may be significant). In addition, Plaintiff alleges in his verified complaint, that must be taken as true, that he was awaiting further employment as a Teacher Assistant (TA) prior to the events of November 7, 2013, and the Court has determined that evidence of prior good behavior also may be circumstantial evidence of retaliation. See *Flaherty*, 713 F.2d at 13.

34. Plaintiff has presented a narrative of events from which a reasonable jury could infer retaliation. Plaintiff also has offered evidence from which a reasonable fact finder could conclude that plaintiff suffered an adverse action or deprivation. UNCONTROVERTED EVIDENCE demonstrates that plaintiff was subjected to shakedowns, strip searches, retaliatory transfer, and false disciplinary reports, and suffered other adverse consequences, kidney failure, as a result. SEE *ANTHINE*, 497 F. Appx at 633.

35. Accepting all his allegations as true, "ONE POSSIBLE INFERENCE" of Plaintiff's complaint, *TAMAYO*, 526 F.3d at 1081, is that the alleged harassment by numerous prison employees in a variety of ways over a period of several months and years would deter a person of ordinary firmness from exercising his First Amendment rights.

36. Judgment as a matter of law cannot be granted on an issue that turns on witness credibility. SEE *BURGER V. INT'L UNION OF ELEVATOR CONSTRUCTORS, LOCAL NO. 2*, 498 F.3d 750, 753 (7TH Cir. 2007). THERE ARE DISPUTED FACTS THAT MUST BE PRESENTED TO A JURY. The credibility of the witnesses, to Plaintiff and Defendant's alleged claims is a question for the trier of fact, and judgment as a matter of law cannot be granted on an issue that requires the court to weigh witness credibility. *MAYS V. SPRINGBORN*, 575 F.3d 634, 650 (7TH Cir. 2009).

WHEREFORE, Plaintiff respectfully request that the Court deny Defendant motion for summary judgment, and grant such other relief this Court finds reasonable and just.

5/24/19

Respectfully submitted
[All Rights Reserved, UCC 1308/1-207]
William D. Riley EL[®]™
William D. Riley EL[®]™
B03069 STA.C.C.
P.O. Box 112
Joliet, Illinois [60434-0112]

Exhibit 2

1	IN THE UNITED STATES DISTRICT COURT	1	I N D E X
2	NORTHERN DISTRICT OF ILLINOIS	2	WITNESS EXAMINATION
3	EASTERN DIVISION	3	WILLIAM D. RILEY-EL
4		4	By Ms. Shannon (Exam) 5
5	WILLIAM D. RILEY-EL,)	5	
6	Inmate No. B-03069,)	6	
7	Plaintiff,)	7	
8	vs.)No. 15 CV 11180	8	
9	SALVADOR GODINEZ,)	9	
10	et al.,)	10	E X H I B I T S
11	Defendants.)	11	NUMBER MARKED FOR ID
12		12	Exhibit No. 1 99
13		13	Exhibit No. 2 99
14		14	
15		15	
16		16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	
1		3	
1	APPEARANCES:	1	(Whereupon, the witness was duly
2		2	sworn.)
3	MR. WILLIAM D. RILEY-EL	3	
4	Inmate No. B-03069	4	WILLIAM D. RILEY-EL,
5	Stateville Correctional Center	5	having been first duly sworn, was examined and
6	P.O. Box 112	6	testified as follows:
7	Joliet, Illinois 60434	7	
8	Appeared Pro Se;	8	MS. SHANNON: Can you please state
9		9	your name and spell your last name for
10		10	the record?
11	OFFICE OF THE ATTORNEY GENERAL	11	THE WITNESS: William D. Riley-El.
12	BY: MS. COLLEEN M. SHANNON	12	MS. SHANNON: Please spell your last
13	100 West Randolph Street	13	name.
14	13th Floor	14	THE WITNESS: R-i-l-e-y, hyphen, E-l.
15	Chicago, Illinois 60601	15	MS. SHANNON: And can you also state
16	(312) 814-4450	16	your IDOC number?
17	cshannon@atg.state.il.us	17	THE WITNESS: B-03069.
18	Representing the Defendants.	18	MS. SHANNON: Let the record reflect
19		19	that this is the deposition of William D.
20		20	Riley-El taken pursuant to notice and
21		21	the applicable Federal Rules of Civil
22		22	Procedure. It's in the case of
23		23	Riley-El vs. Godinez, et al., Case No.
24		24	15 CV 11180, which is currently pending
2		4	



1 in the Northern District of Illinois,
2 Eastern Division.

4 EXAMINATION

5 BY MS. SHANNON:

6 Q. Sir, my name is Colleen Shannon
7 and I represent all of the IDOC defendants
8 that you are suing in this case.

9 A. Okay.

10 Q. Do you understand that your
11 testimony today would hold the same
12 weight as if you were testifying in
13 court?

14 A. Yes.

15 Q. Did you take any medications
16 this morning?

17 A. Yes.

18 Q. What did you take?

19 A. I took high blood pressure meds.

20 Q. Is that the only thing you took?

21 A. Some Tylenol.

22 Q. What is the Tylenol used to
23 treat?

24 A. Well, I had a headache. I had

1 Q. More than five?

2 A. I'm not sure of that. It's
3 about right there. Around there.

4 Q. Between one to five?

5 A. Yes.

6 Q. Was it for lawsuits that you
7 filed as a plaintiff?

8 A. I believe so, yes.

9 Q. Were they lawsuits filed against
10 the IDOC?

11 A. In the Medical Department, yes.

12 Q. All right. So all of your
13 prior depositions were for cases when
14 you were incarcerated?

15 A. Yes.

16 Q. All right. Do you recall the
17 nature of any of those cases?

18 A. Condition of confinement and
19 medical. And medical treatment.

20 Q. Was that one case or two separate
21 ones?

22 A. It was more than one.

23 Q. So one was conditions and one
24 was a medical treatment case?

1 allergies this morning. Allergies at
2 5:00 something this morning.

3 Q. Would the blood pressure
4 medicine or the Tylenol affect your
5 ability to testify today at all?

6 A. Somewhat. They had me drained.

7 Q. Oh, just drained?

8 A. Yeah.

9 Q. But does it affect your memory
10 in any way?

11 A. Yes. That's why I brought all
12 the paperwork so I could run through it.

13 Q. Well, do you feel that you're
14 able to go forward with this deposition
15 today?

16 A. Yeah, I'm ready.

17 Q. Okay. Have you ever been deposed
18 before?

19 A. Yes.

20 Q. How many times?

21 A. I'm not sure. I'm not sure
22 of the number.

23 Q. Was it more than one?

24 A. Yes.

1 A. Or they was combined.

2 Q. All right. Well, let me run
3 through some quick rules then. If you
4 don't understand any of the questions
5 I ask you or you don't hear me, please
6 let me know and I'll restate it or
7 rephrase it.

8 A. Okay.

9 Q. But if you answer I'm going
10 to assume that you understood it, okay?

11 A. Yes.

12 Q. And then please just remember
13 to give verbal answers so that the
14 court reporter can take down everything
15 you're saying, okay?

16 A. Okay.

17 Q. And then we'll try our best
18 to -- you know wait until I finish
19 asking the question before you answer
20 and then I'll wait until you're done
21 talking before I ask my next question.

22 A. Okay.

23 Q. So that way we are not talking
24 over each other, okay? All right?



9

11

12 |

13..16

1 A. From the time I came back
2 in '15 until then.
3 Q. Did you have a cellmate?
4 A. No.
5 Q. Did you stay in the same cell
6 the whole time in X-House?
7 A. No. No, they bounced me
8 around on the same little wing. A
9 wing that had five cells on it and
10 a shower. They put me in the second
11 cell first, the third cell, the fourth
12 cell, and then the fifth cell. They
13 moved me all the way to the end. They
14 put me next to the shower.
15 Q. You never had a cellmate in any
16 cell?
17 A. No.
18 Q. Do you currently have a
19 cellmate?
20 A. Yes.
21 Q. What is his name?
22 A. I don't know his name.
23 Q. Do you know his nickname?
24 A. No.

17

1 Q. Do you talk to him?
2 A. No.
3 Q. How long has he been your
4 cellmate?
5 A. He just got here from Menard.
6 Q. When did he get there?
7 A. A couple of months.
8 Q. Did you have a cellmate prior
9 to him?
10 A. Yeah.
11 Q. Do you know his name?
12 A. No.
13 Q. Do you know his nickname?
14 A. No. I don't really socialize
15 like that. I think everybody is so
16 busy.
17 Q. What?
18 A. I think everybody is so busy.
19 In fact with what I just went through.
20 Q. When you first entered IDOC,
21 sir, did you receive an Inmate Handbook?
22 A. Yeah.
23 Q. Did you have to sign something
24 acknowledging --

18

1 A. Yes.
2 Q. -- that you received it?
3 A. Yes.
4 Q. And you're familiar with
5 the information contained inside the
6 Inmate Handbook?
7 A. Yes.
8 Q. So the events alleged in
9 the complaint, the case that you're
10 here giving your deposition for today,
11 everything took place at Stateville,
12 correct?
13 A. Yes.
14 Q. Is this the only lawsuit that
15 you have pending about retaliation claims
16 at Stateville?
17 A. Yes. I believe so, yes.
18 Q. And what's the time period of
19 the allegations in this lawsuit?
20 A. I'm saying the grievances --
21 umm -- 6 months prior to me being
22 put in AD, that led to me being put
23 in AD, and all the grievances I filed
24 prior to them snatching me up in

19

1 11/7/13.
2 Q. So you're saying this lawsuit
3 is covering events from 6 months prior
4 to 11/7/13?
5 A. Yes.
6 Q. Through what date?
7 A. 11. Not 11. '15. '15. When
8 they wrote me the last ticket they held
9 me for another year. That's while I was
10 in X-House. So it would be '15, 11.
11 Q. November of 2015?
12 A. Yeah.
13 Q. Okay.
14 A. No, October.
15 Q. Who are the defendants that you
16 are suing in this case?
17 A. They're IDOC defendants.
18 Q. Do you know any of the
19 individual's names?
20 A. Warden Lemke and all the
21 individuals who signed off on the
22 disciplinary reports. The fabricated
23 disciplinary reports.
24 Q. As you sit here today, sir, do

20



1 you recall any of their names?
2 A. Yeah, Lieutenant Best.
3 Lieutenant Fredricks. Lieutenant --
4 I mean not lieutenant. Major Fredricks.
5 Major Fredricks. Major Marshall.
6 Major McGarvey. Major Torry (phonetic).
7 IA Officer Clements. I think there's
8 a Ms. Jannetta Bennett (phonetic), but
9 I didn't sue her. She was one of them
10 officers being sent off. Let's see
11 who else. There's more. Without having
12 the tickets, you know, I don't remember
13 the rest of their names.

14 Q. Okay. That's fine.

15 A. I'm naming them specifically
16 because they the major. They supposed
17 to know the rules before they -- like
18 where they authorize and signoff on
19 the tickets.

20 Now the first ticket that I
21 received -- if you don't mind me
22 stating. The first ticket that I
23 received it was beyond the timeframe
24 they authorized anyway. You see what

1 ticket -- the one for 11/7 where it
2 said I was a gang leader this and
3 that. It was intentionally done
4 because they signed off on it beyond
5 the 8 days when I got the ticket and
6 I pointed it out.

7 So when they come on the AD wing
8 where they was holding me, oh, no, this
9 ain't what that means. I'm clearly
10 reading it. I read the rules to them
11 as they were coming to my door to talk
12 to me when they was doing tours. They
13 was coming through with the AD committee.

14 The same major. Even Deputy Director
15 Gomez. I even talked to him about
16 it. These individuals just ignored
17 what I was saying as if I was wrong.

18 Then once I filed a grievance
19 and they went to the grievance officer
20 she immediately threw it out. For the
21 past years they knew it was arbitrary.
22 They want to hold me and keep me away
23 from general population from helping
24 people do legal work.

1 I'm saying? Breaking the rules by
2 any means to make sure they hold
3 me where they was holding me at.
4 So the rules state they have
5 8 days from the time the incident occurred
6 to serve the ticket. They authorized --
7 if you look at the ticket they signed
8 off on the ticket way beyond the 8 days
9 intentionally.

10 My incident date was 11/7
11 and they signed off on the ticket
12 on the -- like 20 something. The
13 20 something of November. I'm like
14 wait a minute. It was 11/7 and they
15 had until the 15th to serve me the
16 ticket. They signed off on it after
17 the 15th. Intentionally rolling this
18 ball down this arbitrary hill. These
19 majors did this. They what you call
20 -- umm -- colluded together to do
21 that.

22 Because the rules state
23 8 days. If you look at the ticket. You
24 know the dates on the ticket. The first

1 Q. How do you know that they
2 knew it was arbitrary?

3 A. Because the rules. Because
4 the rules state that no disciplinary
5 report shall convene no more than
6 8 days from the commission of the
7 offense. It's clearly written. It's
8 clearly written in the 504 section.
9 It's clearly there. They know this
10 because they got procedural processes
11 they give you for due process. They
12 know this.

13 Q. But how do you know that
14 they --

15 A. They are required to know.
16 They are required to know
17 20 Administrative Code. This is
18 where I'm quoting this from. This
19 is not no rule they made up. This
20 is the rule that's quoted from the
21 730 Code of Corrections, which is
22 also -- which is where the
23 20 Administrative Code -- umm --
24 Illinois law is promulgated from.

1 That's what I'm saying they supposed
2 to know because it's state law.

3 Q. But my question is --
4 because you said that they knew the
5 ticket was arbitrary. How do you
6 know that they knew it was arbitrary?

7 A. Because they supposed to
8 follow their own rules. IDOC officials
9 are required to follow their own rules.

10 Q. But what makes the ticket
11 arbitrary?

12 A. Because they didn't follow
13 their own rules. They broke their
14 own rules to give me the ticket. That's
15 what I'm trying to explain to you. This
16 place is based off procedures. Everything
17 is by procedures by law. Now once you
18 don't follow procedure you breaking the
19 law.

20 Q. But how do you know what these
21 individuals knew?

22 A. Because they got multiple
23 years in IDOC. They not new. They
24 not cadets. They have multiple years

25

1 of experience in filing and writing
2 tickets knowing what the right
3 process is and what the wrong process
4 is. They have years of experience of
5 this. That's how they became a major.
6 Now majors are required to
7 make sure everybody up under them
8 follow all the rules and regulations
9 of their procedures. That's the whole
10 key the procedures. That's why they
11 do the training so they follow the
12 procedures correctly.

13 Q. Okay.

14 A. If they don't follow the
15 procedures correctly that means they're
16 doing it arbitrary. That means they're
17 not following the law and they doing
18 what they want to.

19 Q. But you don't know what is going
20 on inside their head?

21 A. They -- no. No, it's not
22 their head. Their actions. Their
23 actions show me that it's arbitrary.
24 That's what I'm trying to explain

26

1 to you. When they did it their
2 actions was arbitrary. Even though
3 whatever is going on in their head,
4 how they was thinking, you know they
5 supposed to know the rules. They
6 supposed to follow the rules.

7 Like I'm supposed to follow
8 rules. If I don't follow rules they
9 say my actions are arbitrary and they
10 write me a disciplinary report because
11 I'm not following their rules. Or
12 I'm not following the procedures that
13 they outlined for me to conduct my
14 character.

15 Q. But you don't know whether
16 they thought it was a legitimate ticket
17 or not?

18 A. No, I know specifically because
19 the rules state this. That a major are
20 required to -- see, look. why I keep
21 bringing up the rules is because this
22 place is a stickler for rules. The
23 Department of Corrections, you know,
24 everything is about rules. If you don't

27

1 follow the rules you are in violation
2 of the rules. That's why I say that.
3 That's why I keep bringing up the
4 fact about the rules.

5 Now they supposed to know the
6 rules themselves because they are the
7 enforcement of the rules. That's why
8 I'm saying they are the enforcement of
9 the rules. So every inmate that's
10 around here, or convicted felon, or
11 offender is required to follow all
12 the rules that the COs are required
13 to enforce.

14 So procedural-wise they
15 supposed to follow all the rules.
16 They can't just make up rules as
17 they go. That's why the
18 20 Administrative Code is set down
19 from the highest plain. The CO,
20 which is the -- the chief administrative
21 officer, and he required to follow
22 all the rules and enforce them. And,
23 you know, have the staff follow and
24 enforce them because it's precedent.

28



<p>1 affiliated with?</p> <p>2 A. I don't remember. I have to</p> <p>3 look on the ticket.</p> <p>4 Q. Have you been housed in</p> <p>5 segregation at Stateville?</p> <p>6 A. Yes.</p> <p>7 Q. How many times?</p> <p>8 A. Probably like five.</p> <p>9 Q. Do you recall the reasons why</p> <p>10 you were put in segregation?</p> <p>11 A. Most of the time it was</p> <p>12 unauthorized property or something</p> <p>13 like that.</p> <p>14 Q. How long were you held in</p> <p>15 segregation?</p> <p>16 A. The most I was -- probably</p> <p>17 it's because of the AD stuff. Maybe</p> <p>18 three months is the longest.</p> <p>19 Q. So that was prior to 2013?</p> <p>20 A. Yeah.</p> <p>21 Q. And then since 2013, sir, how</p> <p>22 many times have you been in segregation?</p> <p>23 A. They give me two years back to</p> <p>24 back.</p> <p style="text-align: right;">33</p>	<p>1 C-House?</p> <p>2 A. Yes.</p> <p>3 Q. And you haven't been back in</p> <p>4 segregation since?</p> <p>5 A. No, not at all. I don't</p> <p>6 even do seg. That three years they</p> <p>7 got out of me was -- was the first</p> <p>8 time I ever did, but I never -- I'm</p> <p>9 not a seg individual. I don't even</p> <p>10 catch tickets like that.</p> <p>11 Q. Okay. Have you ever been</p> <p>12 disciplined at the IDOC?</p> <p>13 A. Seg is discipline.</p> <p>14 Q. Have you ever been disciplined</p> <p>15 for lying?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been disciplined</p> <p>18 for any other offenses of dishonesty?</p> <p>19 A. Not that I know of. You</p> <p>20 talking about like giving false</p> <p>21 information to an employee, stuff</p> <p>22 like that?</p> <p>23 Q. Yes.</p> <p>24 A. Never.</p> <p style="text-align: right;">35</p>
<p>1 Q. What years were those?</p> <p>2 A. '14 and '15.</p> <p>3 Q. You were in segregation at</p> <p>4 Stateville from '14 to '15?</p> <p>5 A. No. No, I got transferred</p> <p>6 to Pontiac for a year and 13 months.</p> <p>7 That was -- that was one year. Then</p> <p>8 I came back to Stateville and they</p> <p>9 wrote me another ticket when I came</p> <p>10 back.</p> <p>11 Q. And you did a year in seg</p> <p>12 that time?</p> <p>13 A. Yes, and being held in</p> <p>14 X-House. While F-House is open --</p> <p>15 or X-House is open they put me in</p> <p>16 X-House. They told me I got too</p> <p>17 much influence and they didn't want</p> <p>18 me in F-House. That's before F-House</p> <p>19 got closed. So they put me in</p> <p>20 X-House. They held me on the PC</p> <p>21 wing. Not a PC wing, but a PC kickout</p> <p>22 wing.</p> <p>23 Q. Did you get out of seg in</p> <p>24 October of 2016 when you moved to</p> <p style="text-align: right;">34</p>	<p>1 Q. Okay. I want to go through and</p> <p>2 ask you about some of the defendants that</p> <p>3 you're suing in this case. You mentioned</p> <p>4 Charles Best earlier.</p> <p>5 A. Yes.</p> <p>6 Q. Why is he a defendant in this</p> <p>7 case?</p> <p>8 A. He's a lieutenant. He's a</p> <p>9 lieutenant that found me guilty</p> <p>10 arbitrarily.</p> <p>11 Q. What did he find you guilty</p> <p>12 of?</p> <p>13 A. STG. Erratic organizational</p> <p>14 activity.</p> <p>15 Q. What was the date of that guilty</p> <p>16 finding?</p> <p>17 A. I don't know the date, but</p> <p>18 I know the ticket that he found me</p> <p>19 guilty on. It don't state date, time,</p> <p>20 or place when I committed the offense.</p> <p>21 Q. Do you recall the year of the</p> <p>22 ticket?</p> <p>23 A. That's the one -- that's the</p> <p>24 one in '14.</p> <p style="text-align: right;">36</p>



1 Q. 2014?
2 A. 2014.
3 Q. Okay.
4 A. That ticket. He the one that
5 presided over that. As a matter of
6 fact, this is how they held me for
7 the ticket. I was in the infirmary.
8 I just got a fistula in my arm. I'm
9 bedridden. They wrote me a ticket. They
10 came to my cell and held the hearing
11 in my cell. My hospital bed cell. They
12 held the hearing in there.
13 So now 20 minutes later the
14 police at the door telling me to pack
15 it up and I'm being transferred. So
16 all this was prearranged. Who do
17 you know get found guilty and then
18 20 minutes later they say you being
19 transferred to Pontiac?
20 Q. Did you provide a statement
21 at that hearing?
22 A. Yes, I did.
23 Q. Was it written or verbal?
24 A. I read my grievance that I

37

1 rotated.
2 And, specifically, I got
3 into an altercation with Best. Because
4 one day I asked him why he don't
5 rotate us like everybody else, like
6 we supposed to. We supposed to be
7 treated equally, but they wasn't
8 treating us equally. They only
9 giving us small yard, no weights,
10 no phone call, no nothing. They
11 always keeping us out there in the
12 freezing cold in the wintertime. No
13 gym, no nothing.
14 So I asked him, I said why
15 we not being allowed to go to the
16 south yard where the weights and
17 the phones is at? He said, oh, we
18 got to use that for movement, but
19 that's on Sunday. But on Saturday
20 they put the detail yard out there
21 and they walk through the tunnel.
22 The line from the tunnel. So I said,
23 why you can't move the line through
24 the tunnel like you do on Saturday?

39

1 wrote to him and asked him could I
2 turn it in. He refused to take the
3 grievance. He refused to take the
4 grievance, but he let me read it.
5 Q. Why do you believe that
6 Lieutenant Best retaliated against
7 you?
8 A. Because lieutenant -- from
9 my perspective, right, I got a long
10 history. I have a long history with
11 Lieutenant Best. Lieutenant Best
12 used to be the movement officer for
13 the facility.
14 In 2010 we had a warden
15 named warden Hardy who stated that
16 individuals with crutches couldn't
17 go to the yard. I was the individual
18 who constantly wrote the grievances
19 up about not being able to go to the
20 yard and not being treated equally
21 or fairly by staff. Because when
22 they was giving us the yard it
23 was -- they was only giving us the
24 small yard when everybody else is

38

1 He told me because we don't want to
2 and we going to do it that way.
3 So when I saw the major,
4 which is Major McGarvey, I asked
5 why we can't get the rotation like
6 everybody else. He stated out of
7 his mouth ain't fittin to let no
8 inmate tell me how to do my job.
9 Now this is prior. This is prior
10 to me going to that hearing. So
11 he had personal issues with me from
12 then.
13 Q. But how do you know the hearing
14 decision was done in retaliation?
15 A. Because I -- I can show you
16 the ticket. If you read the ticket,
17 right, the ticket does not state a
18 time, place, or date when I committed
19 the offense. It don't state that,
20 which is required by the procedures.
21 Now that's why I keep saying
22 that this stuff is retaliation. Because
23 no matter what I would have said, no
24 matter what I did, I'm on my hospital

40



1 bed and they still found me guilty.
 2 I was in the hospital secluded. I
 3 was in AD already secluded and talking
 4 to nobody and not having no activities
 5 with nobody and they still wrote
 6 me another gang ticket. That's
 7 what I'm trying to explain to you.
 8 This is not something where
 9 I got out of seg and I went and talking
 10 to any more people, and then they
 11 came with another ticket. No. No.
 12 I was in AD from 11/7/13 until
 13 when I got out of seg in '16. They
 14 wrote the ticket in between there when
 15 I was already in AD custody. AD custody
 16 mean that everywhere I go a lieutenant
 17 or a sergeant has to move me. I'm
 18 shackled up moving. I don't -- I
 19 didn't have a celly so I have no
 20 communication with nobody. So if
 21 there are no communication how am
 22 I engaged in gang activity, right?
 23 Q. So was Lieutenant Best aware
 24 of the grievances you were filing prior

41

1 staff member's word saying what he did
 2 or what staff said to him. That's the
 3 only thing we ever get.
 4 Q. Okay.
 5 A. We don't get no personal
 6 conference meeting with them and he
 7 sit down and talk like this. It's
 8 about one staff member said this and
 9 this staff member said that. Blah,
 10 blah, blah, so forth and so forth.
 11 Q. Did you ever send any grievances
 12 directly to Lieutenant Best?
 13 A. No, that's not the procedure.
 14 Q. Okay. What about Joshua Clements,
 15 why are you suing him?
 16 A. Because he the IA officer. He
 17 the IA officer that cosigned for the other
 18 IA officer as a witness.
 19 Q. Why do you believe he retaliated
 20 against you?
 21 A. Because -- let me see what
 22 year was it in. In probably like
 23 December '08 or '09 he got beat up.
 24 The rumors was that I had something

43

1 to June 2014?
 2 A. Yes.
 3 Q. How do you know?
 4 A. Because when they get your
 5 grievance and it's against one of
 6 them they go ask them about it. When
 7 the counselor investigate and they
 8 give a response they say staff said
 9 blah, blah, blah, blah to your
 10 grievance. The counselor go investigate
 11 and talk to the staff member. They
 12 can't give a response to your grievance
 13 if it's against staff members without
 14 them going to talk to the staff member.
 15 Q. Do you know whether your
 16 counselor actually spoke to Lieutenant Best
 17 though?
 18 A. The counselor said -- that's
 19 what the counselor stated.
 20 Q. Did you see them speaking?
 21 A. No. You never see them speaking,
 22 but the counselor gives his response. The
 23 counselor gives a response on the bottom
 24 of the grievance. So that's another

42

1 to do with it and I had it done, but
 2 it wasn't me. I had nothing to do
 3 with it, but that was the rumor. Ever
 4 since then he's been, I guess, figuring
 5 a way to get me.
 6 Q. And Clements is spelled
 7 C-l-e-m-e-n-t-s.
 8 A. He was the movement officer
 9 then. I was -- as a matter of fact,
 10 you know, it was in '07 or '08 when
 11 that happened. It had to be between
 12 that time.
 13 Q. Okay.
 14 A. As a matter of fact, that's
 15 when I got shipped to Pontiac the first
 16 time for the little month-and-a-half.
 17 Because the ticket said possibly alleged
 18 in gang activity. It was an investigation
 19 ticket, but I left for a month-and-a-half
 20 and came back.
 21 Q. So what specifically did
 22 Clements do that you believe was done
 23 in retaliation?
 24 A. He signed off on the tickets.

44



1 The ticket that was wrote that don't
 2 state the time, place, or date when
 3 I committed the offense.

4 Q. How do you know that it was
 5 retaliation by him signing the ticket?

6 A. Because that's his way of
 7 trying to get back at me. Because
 8 he did it again. He did it twice.
 9 He ain't just do it once, but he
 10 did it twice.

11 He signed off on the first
 12 ticket and then he came back. When
 13 I came back and was fittin to get
 14 out of seg, or they was going to
 15 release me out of AD, and they wrote
 16 me another ticket.

17 Q. You are assuming like he was
 18 trying to get back at you because you
 19 heard the rumors about how he blamed
 20 you for the attack?

21 A. No. No, I heard the staff
 22 saying it. It wasn't an inmate, but
 23 it was staff saying it. The staff.

24 Q. So then you assumed based

45

1 aware.

2 Q. Okay.

3 A. But the way that the officers
 4 is gossiping, you know, that's where he
 5 got it from.

6 Q. Okay. What about Theodore Fredricks?
 7 Why are you suing him in this
 8 case?

9 A. Because he was the movement
 10 officer first before Best.

11 Q. The movement officer?

12 A. Yeah, before he became a major
 13 he was the movement officer first. He
 14 lost his job because he refused to rotate
 15 us first.

16 Q. And what did he do that was
 17 -- that you believe was in retaliation?

18 A. He signed off. He signed off
 19 on the ticket. The timeframe.

20 Q. Was it the ticket from June of
 21 2014?

22 A. I'm not sure. It's the one --
 23 the first two. It could have been the
 24 first ticket.

47

1 on that that Clements might be trying
 2 to get back at you?

3 A. Yes. But it actually showed
 4 me that because -- uhh -- I hadn't broken
 5 no rule. I hadn't done nothing.

6 When they come and write me
 7 an arbitrary ticket out of the blue.

8 It don't state when I supposed to
 9 have committed the offense on there,
 10 on the ticket. All it states is the

11 time he said when he discovered the
 12 information. And so it's called a

13 confidential source. They stated
 14 whatever they stated. It don't

15 state when I supposed to have gave

16 this order, where, when, how. Because
 17 it's impossible for him to state that
 18 because I was always in AD custody. But
 19 guess what, they still found me guilty
 20 and gave me a year for it.

21 Q. Do you know whether Clements
 22 was aware of these rumors that you were
 23 behind the attack on him?

24 A. No. No, I'm not. I'm not

46

1 Q. And how do you know that him
 2 signing this ticket was done in
 3 retaliation?

4 A. Because he broke procedure.
 5 By him being a major he supposed to
 6 know all the procedures and be a
 7 safeguard for the procedures. Because
 8 if it's not done right he's supposed to
 9 tell him to rewrite it.

10 Q. But what was he retaliating
 11 against you for?

12 A. The crutch yard. The crutch
 13 yard. Because I wrote a lot of people
 14 up and got a lot of people reassigned.

15 Q. Did Fredricks know that you
 16 were helping people with their crutch
 17 yard grievances?

18 A. Yeah, I wrote it up. I told
 19 them. They knew I was writing it up.

20 I was filing emergency grievances
 21 directly to the warden complaining
 22 specifically about Fredricks and about
 23 not rotating us. I put his name in
 24 the grievance.

48



1 Q. How do you know that Fredricks
2 knew about that grievance though?
3 A. Because like I said before,
4 when you file grievances and whatever
5 staff members you name in the grievance,
6 the counselor or the grievance officer
7 has to investigate it.

8 Q. I understand that's the
9 process.

10 A. That's the only way I know.
11 Because they -- they follow-up with
12 what their staff said that from now
13 on you all will be getting rotated.

14 Q. So you're assuming that
15 that process was followed and that
16 Fredricks was informed of the
17 grievances, but do you know whether
18 he was actually interviewed by the
19 counselor?

20 A. All I know is the counselor
21 said they talk to staff. Talked to
22 all the staff members involved.

23 Q. What about Jill Hoselton? Why
24 are you suing that individual?

49

1 you suing him?

2 A. Oh, he the warden. He signed
3 off on it. He supposed to do the
4 appeal for grievances. So when you
5 appeal to him and you stress on
6 your -- your due process issues to
7 him he supposed to do an overview.
8 He supposed to correct.

9 Q. Did he retaliate against you?

10 A. I believe so.

11 Q. Why?

12 A. Because when I was in AD. When
13 I was in AD I used to have arguments with
14 him.

15 Q. And that was in 2013?

16 A. Yes. When I first got put
17 in there he's the assistant warden.
18 He was the assistant warden then
19 and he used to come around with the
20 committee. I used to have arguments
21 with him about them not restraining
22 their staff from writing me arbitrary
23 tickets. Like the first ticket.

24 Like I said, I was talking

51

1 A. She sat on the
2 Adjustment Committee. She sat on
3 the Adjustment Committee for the
4 last ticket.

5 Q. H-o-s-s-e-l-t-o-n. F-r-e-d-r-i-c-k-s.
6 Would that have been the
7 October 2015 ticket?

8 A. Yes.

9 Q. And what did she do that you
10 believed was in retaliation?

11 A. She cosigned. She cosigned the
12 ticket.

13 Q. What was she retaliating against
14 you for?

15 A. I really -- I really don't have
16 nothing against her.

17 Q. So is she a defendant in
18 this case based on signing off on
19 the Adjustment Committee hearing?

20 A. Yeah. Yes.

21 Q. Okay.

22 A. It's called -- uhh -- uhh --
23 conspiring with the other individuals.

24 Q. Okay. Nicholas Lamb, why are

50

1 to him at the door and I'm reading
2 the rules to him. See, there's one
3 thing I realize. Once I went through
4 that -- umm -- staff members, correctional
5 officers, you know don't like an inmate
6 pointing out when other staff members
7 have done something wrong or that I'm
8 trying to tell them how to do their
9 job. They take that really offensively
10 and strike back.

11 Q. But when did Lamb do anything
12 that you believe was in retaliation?

13 A. When I talked to him prior
14 to my grievance getting to him.

15 Q. When was that?

16 A. When they used to do rounds on
17 the AD wing in '13.

18 Q. So the last time that Lamb
19 did anything that you believe was out
20 of retaliation that was in 2013?

21 A. No. No, no, no. That's
22 when I first talked to him and gave
23 him the reason to be retaliatory
24 towards me.

52



1 too.

2 Q. What ticket was that?

3 A. I believe a couple of them.

4 See the two things with this there's
5 two majors that signoff on them before
6 they get processed. It go to the major
7 first for the major to decide whether
8 this is going to be a minor or a major,
9 which is the hearing officer. He the
10 one who determines whether the ticket
11 is a major or a minor. He the one
12 that's supposed to do the safeguard
13 in the initial process to see if the
14 ticket will hold muster. That's what
15 I mean by procedures. Now that's his
16 job to do that.

17 Now if he -- if he authorize
18 the ticket and he know it's beyond the
19 timeframe he'll say skip the procedures,
20 we going to push this through anyway,
21 and that's now how this go.

22 Q. But how do you know that that
23 was done in retaliation?

24 A. Because of who I was. Because

57

1 of who I was and what my situation was.
2 I'm the individual that's writing the
3 grievances.

4 Like I told you in 2010, I'm
5 the individual that got the warden
6 to change that policy. They stopped
7 us from having yard from August to
8 October, but the only reason why they
9 did that is because of all the grievances
10 I filed. I filed a grievance every time
11 they didn't let me go to yard. They ran
12 yard two or three times a week. So two
13 or three times a week I was constantly
14 writing emergency grievances complaining
15 about not being able to go to yard.

16 Q. Was Laske aware of those?

17 A. Yes.

18 Q. How do you know?

19 A. Because he was here. He was
20 shift commander.

21 Q. Did you submit the grievances to
22 him?

23 A. No. No, no, no, they don't go to
24 him.

58

1 Q. So you're assuming he was
2 aware of them just based on his position
3 as shift commander?

4 A. No, the shift commander controls
5 the movement. He the one that assign
6 the officers to the assignments. Who
7 going to do this, who going to do that,
8 who going to do that.

9 So if there's a problem on
10 his shift where an individual is not
11 doing their job they would be made
12 aware of it. Because he the one who
13 has to correct it.

14 Now he has to correct the
15 issue because he got a staff member
16 on his staff who he appointed to be
17 in that position and they're not doing
18 their job correctly. He is the one
19 that has to remove them.

20 Q. But do you know whether he
21 has actual knowledge of these grievances
22 that you were writing?

23 A. I'm pretty sure he did.

24 Q. Okay.

59

1 A. Because I sent them straight
2 to the warden and it comes -- and it
3 comes down here.

4 Q. Well --

5 A. The reason I say that is this.
6 They made changes. Somebody had to know.
7 Somebody had to know that these grievances
8 was taking effect because they changed
9 the movement officer.

10 Q. Sure, but do you know
11 specifically as to Laske if he knew
12 about your grievances?

13 A. I can't -- I can't say that
14 specifically, but the way this place
15 is ran it's impossible for him not to
16 know because they going to take it
17 to him. Because he's the one who is
18 appointing the movement officer, this
19 and that. He does the assignments for
20 the staff members when they come in
21 at roll call.

22 Q. Right, but you're making that
23 assumption though.

24 A. I'm making the assumption

60



1 because the procedure and how this
2 place works. See, it works this way.
3 Q. Okay.
4 A. There won't be no changes
5 without the major being involved if
6 he the shift commander. That's why
7 I'm saying this. The shift commander
8 runs the ship. He appoints and he
9 take away positions.
10 Q. What about David Mansfield, why
11 are you suing him?
12 A. Because he collaborated the
13 ticket too.
14 Q. He signed off on the ticket?
15 A. Yeah, he did. He part of
16 the Adjustment Committee with Best.
17 Q. How did he act out of
18 retaliation?
19 A. He like Jill.
20 Q. So did Mansfield retaliate against
21 you for anything?
22 A. Not per se. I wrote -- the
23 collusion with Best, so that's why he
24 got sued.

61

1 that.
2 Q. But did Mansfield act out
3 of retaliation or did he just simply
4 signoff on the ticket?
5 A. He signed off on the ticket.
6 Q. So he didn't do anything that
7 was in retaliation towards you?
8 A. No.
9 Q. What about Cherry Marshall, why
10 are you suing her?
11 A. She a major.
12 Q. What did she do that was retaliatory
13 towards you?
14 A. The tickets. The tickets.
15 Q. Signed off on the ticket?
16 A. No, she authorized the ticket.
17 She a major. She the hearing investigator.
18 She didn't follow procedure.
19 Q. C-h-e-r-r-y.
20 M-a-r-s-h-a-l-l.
21 M-a-n-s-f-i-e-l-d.
22 When Cherry Marshall signed off
23 on the ticket how do you know that was done
24 in retaliation?

63

1 Q. What about --
2 A. He upholding. He upholding
3 the actions of Best. Best's actions
4 are retaliatory and he upholding
5 them with him instead of speaking
6 out.
7 Because, like I told you, that
8 ticket that they wrote me -- well, if
9 you read it, the June 14th ticket. If
10 you read it per se all the way through
11 and ask yourself, well, when did they
12 say Mr. Riley committed that offense?
13 They don't state that. All it states
14 is when they became aware of it and
15 what the confidential source told
16 them. That's all the ticket states.
17 But the confidential source never
18 states the date I supposed to have
19 committed it on, these offenses, nor
20 does the ticket state that. This is
21 the ticket that Mansfield colluded
22 with Best when Best found me guilty.
23 Instead of telling him no, you know,
24 I don't see where it say he did

62

1 A. All the stuff I had going on
2 already. I'm obviously -- look, at
3 that time right there in '15, right,
4 I'm the only individual here that
5 they claiming this here in AD status,
6 Administrative Detention, out of the
7 whole penitentiary. The reason why
8 I'm not in segregation housing units
9 is because they say I got too much
10 influence, but the influence ain't
11 gang activity. The influence is
12 the writ writing ability.
13 Q. Okay.
14 A. Like do you see the crack on
15 the wall right there? Do you see the
16 peeling paint? The way this place
17 look and this type of stuff I'm writing
18 up because I got to live here. If that
19 crack has lead or mold in it it's affecting
20 me. So all this type of stuff I'm writing
21 up and that's a problem to staff.
22 Now staff look at me as if
23 I'm an irritant. All I'm trying to
24 do is live and raise my life expectancy.

64



1 Because at the time I was sick prior to
2 me going to the allergist. I'm sick.
3 And, you know, I'm saying that this place
4 is making me even sicker. It has nothing
5 to do with me being a gang member. I've
6 been on a crutch since 2000. I've been
7 on a crutch at Stateville since 2003.

8 Q. But I'm asking, sir, what
9 did Cherry Marshall know about the
10 grievances that you were writing at
11 Stateville?

12 A. I'm pretty sure she did.

13 Q. How do you know?

14 A. Like I said, the staff was
15 already gossiping.

16 Q. Was Cherry Marshall gossiping?

17 A. I never heard her gossip.

18 Q. Okay.

19 A. But what I'm saying to you
20 is they do -- they have meetings. The
21 majors have meetings and the lieutenants
22 have meetings. Do you see what I'm
23 saying? And when stuff is going on
24 in the institution per se they have

65

1 I want to try to explain to
2 you about the -- about my writ writing
3 ability. I filed three lawsuits in
4 October of '13. Right after that --
5 umm -- when he came with the gang leader
6 stuff. The AD stuff.

7 Q. Did Cherry Marshall know about
8 these lawsuits you filed?

9 A. I can't say for sure, but I
10 believe so. They have meetings about
11 stuff like that.

12 Q. So you're assuming she knew,
13 but you don't know for sure?

14 A. Yes. Yeah. Because the
15 reason why I'm suing -- umm -- it's
16 fair for me to assume because of the
17 way they signed off on these tickets.
18 Here's a person who goes from never
19 catching tickets to they give me
20 tickets back to back to back to back
21 and give me years in seg.

22 Now I never did a year. I've
23 never done a year in seg before in my
24 life until they did that in '13 to me.

67

1 meetings about it.

2 Q. Are you present at the meetings?

3 A. No. No, I was never present,
4 but I know this for a fact because I've
5 been here for a long time.

6 Q. So you can't say for sure
7 whether Cherry Marshall was aware of
8 any of your grievances?

9 A. Well, if she was doing -- if
10 she was doing -- uhh -- that continuous
11 quality -- uhh -- improvement, meaning
12 in the health care, I could say she was
13 aware of my grievances. Because I was
14 also filing medical grievances per se
15 about my medical treatment. That's how
16 it all started.

17 Q. Okay.

18 A. I filed medical grievances
19 first. They was stalling me. So I
20 filed an emergency grievance. One in
21 June, one in July, and one in August.
22 By October I had filed three lawsuits
23 off of them three grievances. They
24 wasn't expecting that.

66

1 I've never been in seg that long. Never.
2 Most ever been in seg was a month, two,
3 or three at the most. I've never did a
4 whole year in seg until they arbitrarily
5 did that to me right there.

6 Q. Why are you suing Jenny McGarvey?

7 A. Because she was a major too and
8 she was simply personally involved in the
9 day-to-day activities of the AD wing. I
10 talked to her on multiple occasions.

11 Q. What did she do that was done
12 in retaliation?

13 A. She made sure. She signed one
14 of the tickets too. She made sure. She
15 signed off on the first ticket.

16 Q. So the only thing she did
17 that you're claiming is what's a
18 retaliatory act was signing off on
19 the ticket?

20 A. No. No, no, no, no. That
21 lady -- that lady had some type of
22 personal agenda with me. Pushing
23 their agenda.

24 When I was in D-House, Delta House,

68



1 in '13 before I even -- well, long before
2 '13. I was coming down the walk going to
3 the health care and she was coming toward
4 us. She was like, I don't know what you're
5 smiling for. You're lucky you ain't be
6 shipped with the rest of the homies. I'm
7 like, what are you talking about? I ain't
8 done nothing. She said, yeah, you lucky.
9 You lucky you ain't get shipped.

10 what happened was prior. Prior
11 to that date. A couple days before that
12 they round up a bunch of people and
13 shipped them. She telling me that I'm
14 lucky I hadn't gotten shipped with them.
15 I was like, what are you talking about?

16 Prior to the '13, 11/13,
17 the 11/7 stuff happened. So I was
18 like why she tripping on me like
19 that, you know? I didn't know what
20 it was, but I come to find out. I
21 come to find out that she had a
22 specific agenda about me. She wanted
23 me in AD.

24 Q. Jenny McGarvey, M-c-G-a-r-v-e-y.

69

1 A. She wasn't hiding nothing. She
2 told me blankly to my face that this
3 is what it is. Then she used to come
4 talk to us on the wing. She was the
5 major of the wing when they had it at
6 Stateville, the AD wing.

7 I got another quote stating
8 that there is no procedures. There's
9 no rule authorizing them to put us in
10 AD with the phase stuff and until
11 you -- and when you all take us to
12 court we ain't changing that. And I
13 got affidavits. I got affidavits
14 from another individual that heard
15 her state this. State this to me.

16 Q. Why are you suing Michael Range?

17 A. Because he was the hearing
18 investigator.

19 Q. What did he do that was retaliatory
20 towards you?

21 A. Well, I talked to him. I
22 talked to him in '13 about that same
23 ticket. The same ticket that I got
24 expunged. I talked to him and he

70

1 intentionally went back and told
2 his staff to rewrite the ticket.
3 Q. How do you know?
4 A. Because he told me he did. He
5 the hearing investigator. The first
6 ticket. The first ticket they wrote
7 me it just stated Riley. They told him
8 no and to go back and rewrite it. He
9 rewrote it. It was the 11/7 date on it.
10 Then went to 12/9. That 12/9 ticket
11 he told them to rewrite it and add
12 big wheel to it.

13 Q. How do you know that that was
14 done out of retaliation?

15 A. After I talked to him. I talked
16 to him at the door and explained. I
17 asked him about the rules and the
18 dates. Do you see what I'm saying
19 and about the timeframe? He like oh,
20 no, no, no, no. That's not how that
21 go.

22 Now this is what he said to me,
23 another individual. Another individual
24 they're supposed to know the rules and

71

1 regulations and enforce them and have
2 staff correct their ticket if there's
3 any mistakes in it.

4 Now the same individual that
5 I talked to, because of what he told
6 me. Well, he told me to my face the
7 reason they mess with you is because
8 they feel that you are bullying them
9 with their own rules. This is what
10 Range told me out of his mouth and
11 to my face. He specifically told me
12 this.

13 So he telling me because of
14 my intellectual -- my intellectual
15 thinking and prowess. That's the problem
16 they have with me is because I'm getting
17 out of all of the twists and turns they
18 try to put me in.

19 Like grievance process. If you
20 file a grievance they'll make you wait a
21 year before they answer you. So what I
22 started doing was filing an emergency
23 grievance directly to the warden. Once
24 I file directly to the warden I don't

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1 got to go through the other process
2 of waiting for months to months to
3 months to have an answer. Because
4 once he signoff on it that's your
5 answer as far as exhaustion purposes.
6 And when I started doing that it got
7 around the loophole where they stalling
8 you out on grievances. And, yeah, he
9 knew this.

10 Q. So how did Range retaliate against
11 you?

12 A. Like I said, when I talked to
13 him and asked him about the timeframe
14 he intentionally wrote and had them
15 rewrite the ticket after I talked to
16 him about it. It's not like I -- I
17 talked to him and had a long conversation
18 with him, argued with him, about the
19 procedure. So he said -- what he
20 did was -- I know what to do for
21 him since he fittin to get out. You
22 can go rewrite it and make sure he
23 don't get out of it.

24 Q. Range. R-a-n-g-e.

73

1 of paper back and she need me -- to
2 have me resign some stuff.
3 Q. Okay.
4 A. I filed a grievance about that
5 too. Because by him messing up, you know,
6 he messed up my hearing situation for
7 AD. So that hearing would be null and
8 void.

9 Q. So how do you know that that
10 was done in retaliation?

11 A. No, no, no. The ticket was
12 done. The ticket was done in retaliation.

13 Q. How do you know?

14 A. He messed up. He messed up
15 right there and the major stalled him.
16 The major stalled him and he turned
17 around right after that and say he
18 discovered information that -- uhh --
19 since I'm still here at Stateville I'm
20 still a leader even though I've been
21 in AD six or seven months already.

22 This is what he did. He the
23 one who came up with the ticket. He
24 the one that came up. Because when I

75

1 Now what about Joel Shaw. J-o-e-l.
2 S-h-a-w. Why are you suing him?

3 A. IA officer. He the one -- he
4 was one of the ones that initiated the
5 whole thing about me being a gang member.
6 Or a gang leader. Not just a member, but
7 a leader.

8 Q. And why do you believe that that
9 was done out of retaliation?

10 A. Oh, this guy. When I was in
11 -- when I was in the health care I was
12 in AD. Now I already had the ticket
13 expunged, but they still holding me
14 in AD for the same ticket.

15 Now he came to my door to give
16 me -- to get me to sign -- uhh -- AD hearing
17 paperwork, but the paperwork that he had
18 me sign it was too close to the hearing.
19 They supposed to did it a week ago, but
20 he did it like within three days. So,
21 yeah, he messed up.

22 Q. Okay.

23 A. Then the major came to my door
24 talking about she need that piece

74

1 got the ticket beat, right, the ticket
2 -- the grievance officer said that the
3 ticket doesn't state what unauthorized
4 STG activity took place.

5 So here's what they did. They
6 rewrote me another ticket stating that
7 I told somebody to do something and
8 used the same exact confidential form
9 stating it that was in the first
10 ticket.

11 Q. How do you know that that was
12 done in retaliation?

13 A. That was done specifically in
14 retaliation because I beat their first
15 ticket.

16 Listen, this is what I need
17 to explain to you. Nobody here beats
18 an IA ticket. Nobody. So when IA
19 writes you a ticket you might as well
20 pack your bags because you're being
21 shipped. That's how they do things
22 here.

23 when I beat that ticket --
24 that's like a scar on their record

76



1 when I beat that ticket. Because
2 of their procedural loophole they
3 was angry about that. Because,
4 guess what, when I beat that ticket
5 they didn't let me go. They didn't
6 free me. They didn't give me my
7 property back. They still held me.
8 That right there is retaliatory. I
9 beat the ticket.
10 Now if I beat the ticket they
11 supposed to release me. They didn't.
12 They didn't release me from seg. They
13 held me in seg until they came up with
14 another ticket.
15 Now if you read the rules. If
16 I beat a ticket they supposed to restore
17 me to the place they found me. They
18 never done that. That's in the paperwork
19 too. They never restored me to where
20 they found me at. They still held he
21 arbitrarily and then they told me to
22 my face. Major McGarvey herself told
23 me, oh, I don't believe you have got
24 the full effects of such and such

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1 so we gonna hold you, but this is
2 without a ticket.
3 Q. When did she say that to
4 you?
5 A. She said that when I was on
6 the AD wing in X-House in '13. Probably
7 between '13. End of '13 and beginning
8 of '14. This is before. This is before
9 I went to the health care.
10 Q. Okay.
11 A. Because I protest. I went
12 on a hunger strike even though I'm
13 sick. I went on a hunger strike. Because
14 I'm saying that here it is I beat this
15 ticket and they ain't letting me go or
16 give me my property. All that is done
17 in retaliation.
18 Q. Why are you suing Tarry Williams?
19 A. He was the one -- he as a matter
20 of fact -- well, he the warden that signed
21 off on the expungement of the ticket, but
22 he never -- he never enforced his officer
23 to let me go.
24 Q. So is that the only reason

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1 why you're suing him in this
2 lawsuit?
3 A. Yeah.
4 Q. What's the date of that ticket?
5 A. That's the 11/7 one that was
6 rewrote on 12/9.
7 Q. Of 2013?
8 A. Yes.
9 Q. Okay.
10 A. That's the one that I got found
11 guilty on. I filed a grievance. It took
12 them three months. Yeah, three months
13 after to make sure I did the time to
14 expunge it, but I already did seg time
15 anyway.
16 Q. And that's the only reason
17 why you have Tarry Williams's name
18 in this lawsuit is because he signed
19 off on the expungement for the 2013
20 ticket?
21 A. And I spoke -- and I spoke to
22 him the same way I talked to everybody
23 else about the procedures and pointed
24 out to him back when I first caught

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1 the ticket in 11, 11/7. So probably
2 like -- umm -- in December sometime.
3 I talked to him when he did rounds
4 with the committee.
5 If it wasn't in December it
6 was in January or February. I talked
7 to him about why am I being prosecuted
8 like this when the ticket was beyond
9 the timeframe. I talked to him
10 face-to-face and asked him why and
11 never got a response.
12 Q. Why do you believe that him
13 signing off on that ticket was done
14 in retaliation?
15 A. Because, like I told you, from
16 what Range told me that staff believed
17 that I'm bullying them with their own
18 rules.
19 Q. When did Range tell you that?
20 A. He told me that on more than
21 one occasion. He told me that in '15.
22 Q. That was the first time he
23 told you?
24 A. Yeah, he told me that after

80



1 I went through all I went through. I
 2 left and came back.
 3 Because I talked to him
 4 again. Because I asked him about
 5 the ticket and I asked him to read
 6 the ticket and could he tell me what
 7 date does it say that I committed the
 8 offense on. I already did the year
 9 for it though. So I asked him. Just
 10 talking to him because he got a legal
 11 mind. I said, can you tell me what
 12 date it states that I committed the
 13 offense on or what the confidential
 14 source say I committed the offense
 15 on? He said, no, I can't tell you.
 16 Q. Did you have any other issues
 17 with Williams after 2013?
 18 A. Probably the beginning of '14.
 19 Q. Was that when he signed the
 20 ticket?
 21 A. When he authorized for it to
 22 be expunged.
 23 Q. Okay. And that was the only
 24 thing that you're claiming that he

81

1 did?
 2 A. Well, yeah. Because I talked
 3 to him specifically beforehand and he
 4 still let it go through.
 5 Q. Okay.
 6 A. He still let it go through.
 7 They dragged their feet on responding
 8 to my grievance. Even the counselor
 9 Alex Hall -- umm -- that's another.
 10 That's another individual that I sued
 11 too.
 12 Q. Okay.
 13 A. Because I just remembered his
 14 name because you brought him up.
 15 Q. What about Clarence Wright, why
 16 are you suing him?
 17 A. He was the one that gave me
 18 -- he the one that presided over the
 19 first ticket when he wasn't supposed
 20 to.
 21 Q. On the Adjustment Committee?
 22 A. Yeah.
 23 Q. Would that have been the
 24 June 2014 ticket?

82

1 A. No.
 2 Q. Prior to that?
 3 A. Yeah, '13. The 11/7 ticket he
 4 presided over that one.
 5 Q. Was that the only ticket that
 6 he presided over?
 7 A. Yes.
 8 Q. Did you have any interaction
 9 with him after the 11/7/13 ticket?
 10 A. No. All before 11, 11/7.
 11 Q. Okay.
 12 A. As a matter of fact, you know,
 13 he my cell house lieutenant that I was
 14 writing up about the yard. I constantly
 15 wrote him up about the yard. And when
 16 I went to the Adjustment Committee I told
 17 him it was beyond the timeframe. He told
 18 me it all depends on who is counting the
 19 days. That's what he said out of his
 20 mouth. Then I knew something was funny.
 21 Now I knew something was funny
 22 about the ticket because when you get
 23 a STG ticket nobody gets three months.
 24 I knew something was wrong with the

83

1 whole scenario. Because when you get
 2 a STG ticket they giving you a year
 3 automatically. They giving you a
 4 year.
 5 Q. Okay.
 6 A. So they gave me three months
 7 and I'm like, well, why did I get three
 8 months? That don't sound right. Everybody
 9 I know that caught a STG ticket they got
 10 a year.
 11 So when he gave me the
 12 three months I started going through.
 13 I started going through the rules.
 14 I went through every rule in the 504
 15 for discipline until I found out,
 16 because I didn't know before.
 17 So I went piece by piece and
 18 I went section by section reading every
 19 single one. Bam, bam, bam, bam. Because
 20 I got to F-3. I'm like here. Go right
 21 here. This is why. It stated the 8-day
 22 process. I was like, oh, this is it right
 23 here.
 24 Q. Okay.

84



1 A. So this is how I know
2 that this particular individual,
3 Clarence Wright, because I'm also
4 suing him for the crutch yard stuff.

5 Q. Okay. But in this case though
6 the last thing that you -- it occurred
7 in 11/7 of 2013, right?

8 A. Yes, he the one that found
9 me guilty.

10 Q. Since then he didn't do
11 anything out of retaliation towards
12 you?

13 A. No, that right there was the
14 retaliation.

15 Q. That was the only thing he ever
16 did?

17 A. Yeah.

18 Q. Okay.

19 A. Because he retired after that.
20 He knew he wasn't going to be around
21 for the grievances once they started
22 coming.

23 Q. W-r-i-g-h-t.

24 Aside from writing you

1 out of the blue just cancelled my medical
2 permit, skipped my appointments at UIC,
3 and you're going to Menard.

4 Q. This happened 11/7/2013?

5 A. Yes.

6 Q. Okay. Did you --

7 A. I want to tell you what
8 happened. I left. They shipped me
9 from 11/7/13 because see that's --
10 that's also the retaliatory transfer
11 and now the medical treatment. Because,
12 you know, that's what that caused.

13 Now when they send me back
14 two days later the -- uhh -- the officer
15 at Menard -- because they put me in
16 the infirmary.

17 So when I got there my
18 blood pressure was out of control.
19 I was way up there. It was 200 and
20 something over like 120 something.
21 So they like, no, we going to put
22 him in the infirmary. I stayed in
23 the infirmary for two days at Menard.
24 The correctional officer came to my

85

87

1 disciplinary tickets, sir, do you believe
2 that there was anything else done out of
3 retaliation?

4 A. Yeah.

5 Q. What?

6 A. He took my property. All of it.

7 Q. When was that?

8 A. 11/7/13 when he transferred me.

9 He transferred me to Menard without
10 my property. They took control of
11 it. They had my property sent to
12 personal property. The thing was I
13 came back before they got a chance
14 to ship the property. Before they even
15 sent it. You know I came back before
16 they even shipped the property to personal
17 property. It was still in the cell house,
18 in D-House, when I came back.

19 I left 11/7 on transfer. Even
20 though, you know, I wasn't supposed to
21 be transferred. I got UIC appointments
22 to see a nephrologist. I'm already
23 scheduled to see a nephrologist prior
24 to me being transferred. So somebody

1 door and told me somebody messed up,
2 they sending you back, but this is
3 after I talked to medical staff.

4 Because once I got there and
5 medical staff did the review and seen
6 my blood pressure they like, oh, we
7 not a grade one. We not a grade one
8 health care. I'm going to talk to the
9 medical director about you. Meaning
10 the IDOC medical director. Because I
11 wasn't supposed to even be there. I
12 wasn't supposed to be shipped to
13 Menard. But, see, I knew this ahead
14 of time. I knew I wasn't supposed
15 to be shipped because of my medical
16 situation.

17 Q. Um-hmm.

18 A. So once I got there they
19 held me in the infirmary. The officer
20 came and told me somebody messed
21 up and they sending you back.

22 Q. Okay.

23 A. So on a Saturday I got shipped
24 back to Stateville. I got shipped back

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1 to Stateville on a Saturday. They never
 2 do shipments on Saturday unless it's
 3 very special. So I was special that
 4 day.

5 So on 11/9 -- on 11/9 I came
 6 back to Stateville on Saturday. Saturday.
 7 I left Menard Saturday morning like
 8 8:00 o'clock. A long drive all the
 9 way back to Stateville. Well, we
 10 stopped at Logan, or Lincoln, and
 11 then came to Stateville.

12 Now that's one issue about
 13 what happened to me, but my issue
 14 was when I came back. I still didn't
 15 have my property. They put me in
 16 the infirmary for two days over the
 17 holiday weekend and then that Tuesday
 18 they put me in X-House.

19 Q. And this was 11/9 of 2013?

20 A. Yes. And 11/12, three days
 21 later, they put me in X-House.

22 Q. Did you suffer any physical
 23 harm as a result of losing your property?

24 A. Yes.

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1 2015 ticket?

2 A. Well, I was already on --
 3 I'm on dialysis now. So everything
 4 -- so everything is physical damage
 5 now.

6 Q. Was it resulting from the
 7 ticket you received in 2015?

8 A. It was resulting from the
 9 whole -- it was resulting from the
 10 whole situation. The whole totality
 11 of it that they gave me. That was
 12 a whole other year that I had to do
 13 in the cell.

14 Q. Just so I'm clear --

15 A. And I couldn't -- and no
 16 commissary. See, look. The thing
 17 without being -- they gave me a ticket
 18 and then they took my commissary
 19 privileges. I can't buy no food so
 20 I have to eat off the commissary. I
 21 mean not the commissary, but off the
 22 chow hall. That's another stuff that's
 23 harming me.

24 Because some days they'll

91

1 Q. What?

2 A. Unrestrained blood pressure.
 3 Pounding headaches.

4 Q. As a result of your property
 5 being taken?

6 A. My property. The whole
 7 situation. The whole situation got
 8 my blood pressure elevated and out
 9 of control. And they came doing
 10 blood pressure checks twice a day
 11 and it was out of control.

12 Q. Did you suffer any physical
 13 injuries as a result of the ticket
 14 that you received in June 2014?

15 A. Yeah.

16 Q. What?

17 A. I lost weight. When I got
 18 to Pontiac I lost weight. I lost
 19 like 50 pounds. I lost like 50 pounds
 20 and my kidneys failed. My kidneys
 21 failed. Kidneys failed and that's
 22 when they had to put me on dialysis.

23 Q. Did you suffer any physical
 24 injuries as a result of the October

90

1 try to give me food that I'm not
 2 supposed to eat like lunch meat or
 3 this or that. Then I got to go
 4 through the stress of arguing with
 5 the COs about this ain't what I'm
 6 supposed to get. As if I'm bothering
 7 them.

8 Now they look at me like
 9 it's only one tray. They even made
 10 that comment. I wrote it up because
 11 they said that me just receiving that
 12 one tray wouldn't be harmful. I say
 13 all it takes is that one tray to make
 14 me have a stroke eating salty food,
 15 but they made it as if I was being
 16 a nuisance to them because I'm
 17 complaining about one tray. I'm not
 18 supposed to eat it.

19 Q. So what --

20 A. It brought my blood pressure
 21 up.

22 Q. What specifically caused your
 23 kidney failure?

24 A. Uncontrollable blood pressure.

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1 Q. And then what specifically
2 caused your blood pressure to be
3 uncontrollable?
4 A. Stress. The whole stress of
5 that whole situation. Stress of them
6 taking my property, bouncing me around,
7 harassing me.
8 Q. And when you say the whole
9 situation, sir, you mean what happened
10 on November 7th, 2013 through November 9th,
11 2013?

12 A. No, the whole situation. Meaning
13 from 11/7 to the time I got out of seg
14 in October of '15 or '16. That's what
15 I mean by the whole situation. It's
16 not no singular isolated. You know it's
17 altogether for me. It's not how you
18 look at it, but for me it's altogether.
19 Because from the beginning to the end
20 all of that to me was arbitrary,
21 everything. Everything that I went
22 through. Everything that they did
23 to me.

24 Q. Are you on blood pressure

93

1 Q. Can you explain how that
2 works?

3 A. You file a grievance. So
4 it depends on the situation how you
5 want to exhaust. There's a couple
6 of ways. I know two specific ways
7 you can exhaust. You could file
8 through the normal process or you
9 could file emergency grievances.

10 Q. If you want to file it through
11 the normal process how do you go about
12 doing that?

13 A. Give it to your counselor.
14 Wait for your counselor's response and
15 you forward it to the grievance officer.
16 They give you a response. You sign
17 that with the warden's signature
18 on it and you forward that to the
19 ARB. Then you wait for the ARB to
20 give you a response and you get
21 their response and then you exhausted
22 it once you get the ARB response.

23 Q. What if you go through the
24 emergency grievance?

95

1 medication?

2 A. Yes, I am.

3 Q. And you're also receiving dialysis
4 right now?

5 A. Yes, now I am. I wasn't prior
6 to this. My kidneys was working. My
7 kidneys was working at a certain amount.
8 Once they pushed me over the edge that
9 killed all of that.

10 Q. Are you in kidney failure
11 still?

12 A. No, I'm on dialysis. Yeah,
13 you automatically -- it's still kidney
14 failure because -- uhh -- what you call
15 it? Because you go through end stage
16 renal disease. That's what it's called.

17 Q. Okay.

18 A. And then it's categories. It's
19 categories. I was at like one or two
20 when it started. By the time it finished
21 I was at the end on dialysis.

22 Q. Are you familiar with the system
23 for exhaustion?

24 A. Yes.

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1 A. Now emergency grievance is
2 -- uhh -- you file an emergency grievance
3 directly to the warden. Once the warden
4 signoff on the grievance that level
5 -- that level is exhausted.

6 Now you forward that to the
7 ARB and whatever answer they give you
8 at the ARB that's exhaustive. Because
9 it's only about notice. Exhaustion
10 is only about notice. It's giving
11 them the opportunity to respond to
12 whatever your grievance is.

13 Q. If you file an emergency
14 grievance -- once you receive it back
15 from the warden do you ever forward
16 it to your counselor?

17 A. You don't have to. Per the
18 courts you don't have to.

19 Q. So once you receive the
20 emergency grievance response from
21 the warden you send it directly to
22 the ARB?

23 A. Yes, and that's -- that's a
24 set of a certain case law that

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<p>1 state you could do that. I'll</p> <p>2 tell you the cases. Glick vs. Walker.</p> <p>3 Thornton vs. Snyder.</p> <p>4 Q. That's all right.</p> <p>5 A. No, I want you to know because</p> <p>6 I want it on the record.</p> <p>7 Q. Sure. Did any of the incidents</p> <p>8 that happened in November of 2013 stop you</p> <p>9 from filing grievances?</p> <p>10 A. No, they tried. They tried. That</p> <p>11 was their intention, but it didn't.</p> <p>12 Q. What about the ticket you</p> <p>13 received in June 2014, sir, does that</p> <p>14 prevent you from filing any further</p> <p>15 grievances?</p> <p>16 A. No.</p> <p>17 Q. Did the ticket you received</p> <p>18 in October of 2015 prevent you from</p> <p>19 filing further grievances?</p> <p>20 A. No, it was not -- it was not</p> <p>21 -- it was not a deterrent to me. Because</p> <p>22 I specifically knew what they was trying</p> <p>23 to do and why I was going through it.</p> <p>24 There's a difference.</p> <p>97</p>	<p>1 (whereupon, Riley-EI Deposition</p> <p>2 Exhibit Nos. 1 and 2 were</p> <p>3 marked for identification.)</p> <p>4 BY MS. SHANNON:</p> <p>5 Q. Back on the record.</p> <p>6 I'm going to hand you what's been</p> <p>7 marked as Exhibit 1 for your deposition.</p> <p>8 A. Um-hmm.</p> <p>9 Q. Go ahead and you could take a</p> <p>10 look at that.</p> <p>11 A. Okay.</p> <p>12 Q. Do you recognize this document?</p> <p>13 A. Yes.</p> <p>14 Q. And then if you flip through all</p> <p>15 three pages. Do you recognize what this</p> <p>16 is?</p> <p>17 A. Yes, it's my grievance.</p> <p>18 Q. Is this your grievance that's</p> <p>19 dated June 15th, 2014?</p> <p>20 A. Yes.</p> <p>21 Q. And was this grievance written</p> <p>22 by you?</p> <p>23 A. Yes.</p> <p>24 Q. Did you write it on June 15th,</p> <p>99</p>
<p>1 Q. Still to this day are you able</p> <p>2 to file grievances whenever you have an</p> <p>3 issue that comes up?</p> <p>4 A. Yeah. Sometimes I get overwhelmed</p> <p>5 like, man, why do I have to keep going</p> <p>6 through this, you know?</p> <p>7 Q. What's the most recent grievance</p> <p>8 you filed?</p> <p>9 A. I don't remember. I don't</p> <p>10 remember.</p> <p>11 Q. Have you filed a grievance like</p> <p>12 within the past month?</p> <p>13 A. I think so. Yeah. Yeah, I</p> <p>14 did. It was for a ticket. As a matter</p> <p>15 of fact, yes, I did. It was for a</p> <p>16 ticket for unauthorized property.</p> <p>17 As a matter of fact I was just in</p> <p>18 C grade, B grade. I got a B grade</p> <p>19 for four days. Tuesday. So I'll</p> <p>20 be back in A grade.</p> <p>21 Q. Okay.</p> <p>22 A. Yeah.</p> <p>23 MS. SHANNON: Can we go off the record</p> <p>24 just for one second?</p> <p>98</p>	<p>1 2014?</p> <p>2 A. Yes.</p> <p>3 Q. Is that your signature there in</p> <p>4 the middle of the page?</p> <p>5 A. Yes.</p> <p>6 Q. And then the first page of</p> <p>7 this exhibit. Have you ever seen this</p> <p>8 document before?</p> <p>9 A. Yeah.</p> <p>10 Q. What's this?</p> <p>11 A. It's the ARB response.</p> <p>12 Q. And this is the response to</p> <p>13 your June 15th, 2014 grievance from</p> <p>14 the ARB and this is dated May 21st,</p> <p>15 2015; is that right?</p> <p>16 A. Yeah.</p> <p>17 Q. What was the response that</p> <p>18 you received from the ARB?</p> <p>19 A. They basically denied my</p> <p>20 grievance.</p> <p>21 Q. Now if you flip to the second</p> <p>22 page here. It looks like the part for</p> <p>23 counselor's response is blank. Did</p> <p>24 you ever receive a counselor's response</p> <p>100</p>



1 to this grievance?
2 A. No, this was sent directly to
3 the ARB from Pontiac.
4 Q. Did you discuss this issue
5 with your counselor at all before you
6 sent it to the ARB?
7 A. No, because I got shipped to
8 Pontiac. I didn't get a chance to file
9 this grievance at Stateville. This
10 grievance got sent to the ARB from
11 Pontiac. So by being from Pontiac
12 to another facility -- umm -- so it
13 goes straight to the ARB.
14 Q. Okay. So you never discussed
15 it with a counselor at Stateville or
16 Pontiac?
17 A. No, I can't. See, look. Once
18 you get transferred it clearly states
19 on this grievance form, right, that if
20 this grievance -- if this disciplinary
21 report happen in another facility you
22 should direct it to the ARB.
23 Q. And you never sent it to a
24 warden either before sending it off

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1 your deposition. Do you recognize
2 this document that I just handed
3 you?
4 A. Yes.
5 Q. What's this?
6 A. This is a grievance. Emergency
7 grievance.
8 Q. Is this the grievance dated
9 October 19th, 2015?
10 A. Yes.
11 Q. And it's written by you?
12 A. Yes.
13 Q. And is that your signature in
14 the middle of the page on the second
15 page?
16 A. Yes.
17 Q. And page one of this exhibit,
18 sir, have you seen this document before?
19 A. Yeah.
20 Q. What's this?
21 A. It's the ARB response.
22 Q. Do you recall receiving this
23 ARB response?
24 A. Yeah.

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1 to the ARB?
2 A. Not this grievance, no.
3 Q. Okay.
4 A. Because what I did was I
5 wrote to the ARB and asked them did
6 they receive any of the grievances.
7 Because I -- I forward it also.
8 Because my thing is I got
9 transferred on, what, the same day
10 that they heard the ticket. I wrote
11 this the same day. I wrote this
12 grievance the same day I got the
13 ticket and they came two or three days
14 later and gave me a hearing and then
15 shipped me. They also took my property
16 too. This was wrote off to Dome in
17 the cell with nothing but a state
18 pen. No paperwork. No nothing.
19 Q. All right. We are done
20 with this. Could you give that back
21 to the court reporter?
22 A. Okay.
23 Q. I'm going to show you next
24 what's been marked as Exhibit 2 for

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1 Q. Did you do anything with it
2 after you got this response back from
3 the ARB?
4 A. No.
5 Q. And do you see in the middle
6 it says additional information required
7 and they checked the boxes for provide
8 a copy of your written offender's
9 grievance, DOC0046 including the
10 counselor's response if applicable?
11 Did you ever do that?
12 A. No.
13 Q. And then the next box they
14 checked off was provide a copy of
15 the response to offender's grievance,
16 DOC0047, including the grievance
17 officer and chief administrative
18 officer's response to appeal. Someone
19 wrote in it's timely. Did you ever
20 do that?
21 A. No, because this is what they
22 call extra hoops that I didn't have to
23 jump through, because it's an emergency
24 grievance.

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<p>1 Q. Okay.</p> <p>2 A. Like I told you before, the</p> <p>3 whole process is just to give them</p> <p>4 notice. Once the warden signoff on</p> <p>5 it on that level he has responded.</p> <p>6 Once the ARB give you their response,</p> <p>7 whatever it is, they have responded.</p> <p>8 Because you gave them notice too.</p> <p>9 Q. So after you finished writing</p> <p>10 this grievance on October 19th, 2015,</p> <p>11 what did you do with it?</p> <p>12 A. I forwarded it to -- I forwarded</p> <p>13 it to the -- to put it in the mail to go</p> <p>14 to the warden.</p> <p>15 Q. Was that the institutional</p> <p>16 mail?</p> <p>17 A. Yes. I set it in on my bars.</p> <p>18 Q. And you checked the box in the</p> <p>19 middle for emergency?</p> <p>20 A. Yes.</p> <p>21 Q. Prior to that you did not</p> <p>22 discuss this issue with your counselor,</p> <p>23 right?</p> <p>24 A. No. It's an emergency</p> <p style="text-align: right;">105</p>	<p>1 Glick vs. Walker and Thornton vs. Snyder,</p> <p>2 they do not get a second chance at a</p> <p>3 grievance once the warden has signed off</p> <p>4 on it. Because the warden is the highest</p> <p>5 official. The chief administrative officer</p> <p>6 in the facility. Once he signoff on</p> <p>7 it I do not have to resubmit it, even</p> <p>8 though they say resubmit it. The court</p> <p>9 has already ruled on this. That's why I</p> <p>10 did this process this way.</p> <p>11 Q. Okay. After you received the</p> <p>12 emergency review response from the warden --</p> <p>13 A. Yes.</p> <p>14 Q. -- did you ever at any point send</p> <p>15 it to the grievance officer?</p> <p>16 A. No.</p> <p>17 Q. Did you ever send it to the warden</p> <p>18 again before you sent it to the ARB?</p> <p>19 A. No, because the signature is</p> <p>20 already on it. I don't have to.</p> <p>21 Q. So you never received a warden's</p> <p>22 response to this grievance aside from the</p> <p>23 emergency review portion?</p> <p>24 A. That's the response. Because</p> <p style="text-align: right;">107</p>
<p>1 grievance and you don't have to</p> <p>2 discuss your emergency grievances</p> <p>3 with the counselor.</p> <p>4 Q. I'm asking you to try to</p> <p>5 make a record of exactly your process,</p> <p>6 okay?</p> <p>7 A. Okay. My process is -- I</p> <p>8 tell you exactly what my process was.</p> <p>9 I wrote a grievance. I checked the</p> <p>10 box emergency. I put it in an envelope</p> <p>11 titled to the warden and put emergency</p> <p>12 grievance on the envelope. I forwarded</p> <p>13 it to Warden Pfister. Warden Pfister</p> <p>14 responded with his signature stating</p> <p>15 that it's not an emergency. I took</p> <p>16 that and I made a copy. I kept my</p> <p>17 copy and forwarded it to the ARB, which</p> <p>18 is the emergency grievance. I</p> <p>19 forwarded that to the ARB. The ARB</p> <p>20 in return sent me this response</p> <p>21 stating what I needed per their</p> <p>22 procedural process.</p> <p>23 But like I told you before,</p> <p>24 according to the Seventh Circuit,</p> <p style="text-align: right;">106</p>	<p>1 there's nobody else here higher than</p> <p>2 the warden. Even if I resubmit it.</p> <p>3 Even if I resubmit it to the counselor</p> <p>4 the warden had already gave a specific</p> <p>5 response to the grievance.</p> <p>6 Q. To the emergency review</p> <p>7 portion?</p> <p>8 A. But what I'm saying is he</p> <p>9 read it. He read and saw what it</p> <p>10 consisted off. That's his response.</p> <p>11 See, I wish -- I wish I would have</p> <p>12 brought the cases specifically to show</p> <p>13 you how the court rules on it.</p> <p>14 Q. So if you look at this</p> <p>15 grievance.</p> <p>16 A. Um-hmm.</p> <p>17 Q. The warden signed off on</p> <p>18 the emergency review portion indicating</p> <p>19 no.</p> <p>20 A. Not -- no. An emergency is not</p> <p>21 substantiated.</p> <p>22 Q. Right.</p> <p>23 A. Offender should submit this</p> <p>24 grievance in the normal manner.</p> <p style="text-align: right;">108</p>



<p>1 That's the second. That's the second 2 go-round. 3 Q. And you did not do that? 4 A. No. No, I did not because 5 that's the second round. No, I did 6 not. 7 Q. That's my question. 8 A. No, I did not. 9 Q. Okay. 10 A. Because -- 11 Q. That's fine. 12 A. I can't answer that? That's 13 part of my answer. I can't answer 14 that? Well, I'm fittin to say something 15 else. 16 Q. The question only required -- 17 A. So now you cutting me off 18 when I try to answer. 19 Q. Go ahead. 20 A. I'm giving you my reasoning on 21 why I didn't do it. 22 Q. Go ahead. 23 A. Because you won't let me finish. 24 The reason why I didn't resubmit it</p> <p style="text-align: right;">109</p>	<p>1 A. Yeah. 2 Q. How much money? 3 A. Say \$20,000. And, you know, 4 the fact that I lost my kidney function. 5 I still got high blood pressure and about 6 to die. 7 Q. All right. That's all the 8 questions that I have for you today. 9 A. Okay. 10 Q. So I just want to go over 11 with respect to the transcript of 12 the deposition that the court reporter 13 took down. 14 Sir, you have the option to 15 reserve signature. 16 A. Um-hmm. 17 Q. In which case I would send you 18 a copy of the transcript and you would 19 have 30 days to review it for clerical 20 errors only. You can't make any 21 substantive changes and then you would 22 send it back. 23 Or if you trust that she 24 took down everything accurately, sir,</p> <p style="text-align: right;">111</p>
<p>1 was because I wasn't required to. See 2 once he signoff on it it's not required 3 for me to resubmit it. Even though 4 they say it in their procedures, you 5 know, the court say I don't have to 6 give them a second shot at the grievance. 7 Q. Okay. For the record, 8 Exhibit 1 was Bates stamped IDOC 86101 9 through 102. And Exhibit 2 is Bates 10 stamped 45 through 47. And if you 11 could go ahead and hand that back to 12 the court reporter, please. 13 A. Okay. 14 Q. Can you tell me what type of 15 relief you're seeking from this case? 16 A. I want the disciplinary reports 17 expunged. I want the harassment to 18 stop. I want my property replaced 19 or compensated for my property. What 20 else? And any other relief the court 21 deems proper and right. 22 Q. Are you seeking -- 23 A. Or just. 24 Q. Are you seeking monetary damages?</p> <p style="text-align: right;">110</p>	<p>1 then you could waive your signature 2 and we'll be done with it. 3 A. Um-hmm. 4 Q. So it's up to you if you would 5 like to reserve your signature or waive 6 your signature. 7 A. I want to reserve because I 8 want to review it. 9 MS. SHANNON: Okay. That's it. Send 10 me the letter and I'll provide it to 11 Mr. Riley-El. 12 THE COURT REPORTER: Okay. 13 (DEPONENT SAITH NAUGHT.) 14 (whereupon, the proceedings 15 concluded at 1:14 p.m.) 16 17 18 19 20 21 22 23 24</p> <p style="text-align: right;">112</p>



<p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION 4 5 WILLIAM D. RILEY-EL,) Inmate No. B-03069,) 6 Plaintiff,) vs.)No. 15 CV 11180 7 SALVADOR GODINEZ,) et al.,) 8 Defendants.) 9 10 I, WILLIAM D. RILEY-EL, being first 11 duly sworn, on oath say that I am the 12 deponent in the aforesaid deposition 13 taken on the 21st day of September 2018; 14 that I have read the foregoing transcript 15 of my deposition, and affix my signature 16 to same. 17 18 19 20 21 22 23 24</p> <p style="text-align: center;">WILLIAM D. RILEY-EL</p> <p>Subscribed and sworn to before me this day of , 2018</p> <p>Notary Public</p> <p style="text-align: right;">113</p>	<p>1 to typewriting by Computer-Aided Transcription, 2 and the foregoing is a true and correct 3 transcript of the testimony so given by 4 said witness as aforesaid. 5 I further certify that the signature 6 to the foregoing deposition was reserved 7 by counsel for the respective parties and 8 that there were present at the deposition 9 the attorneys hereinbefore mentioned. 10 I further certify that I am not 11 counsel for nor in any way related to the 12 parties to this suit, nor am I in any way 13 interested in the outcome thereof. 14 IN TESTIMONY WHEREOF: I have hereunto 15 set my hand and affixed my notarial seal this 16 28th day of September, 2018. 17 18 19 20 21 22 23 24</p> <p style="text-align: center;"></p> <p style="text-align: center;">ILLINOIS CERTIFIED SHORTHAND REPORTER</p> <p style="text-align: right;">115</p>
<p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 5 I, Dawn C. Evers, a notary public within 6 and for the County of Cook County and State of 7 Illinois, do hereby certify that heretofore, 8 to-wit, on September 21st, 2018, personally 9 appeared before me, at 16830 South Broadway 10 Street, Crest Hill, Illinois, WILLIAM D. 11 RILEY-EL, Inmate No. B-03069, in a cause now 12 pending and undetermined in the United States 13 District Court for the Northern District 14 of Illinois, Eastern Division, wherein 15 WILLIAM D. RILEY-EL, is the Plaintiff, 16 and SALVADOR GODINEZ, et al., are the 17 Defendants. 18 I further certify that the said 19 WILLIAM D. RILEY-EL, Inmate No. B-03069, 20 was first duly sworn to testify the truth, 21 the whole truth and nothing but the truth 22 in the cause aforesaid; that the testimony 23 then given by said witness was reported 24 stenographically by me in the presence of the said witness, and afterwards reduced</p> <p style="text-align: right;">114</p>	<p>1 McCorkle Litigation Services, Inc. 2 200 N. LaSalle Street, Suite 2900 3 Chicago, Illinois 60601 4 September 28th, 2018 5 Office of the Attorney General Ms. Colleen M. Shannon c/o William D. Riley-El 100 W. Randolph St., 13th Floor 6 Chicago, Illinois 60601 7 IN RE: Riley-El vs. Godinez, et al. COURT NUMBER: 15 CV 11180 8 DATE TAKEN: 9-21-18 DEPONENT: William Riley-El, Inmate No. B-03069 9 10 Dear Ms. Shannon: 11 Enclosed is the deposition transcript for the 12 aforementioned deponent in the above-entitled 13 cause. Also enclosed are additional signature 14 pages, if applicable, and errata sheets. 15 Per your agreement to secure signature, please 16 submit the transcript to the deponent for review 17 and signature. All changes or corrections must 18 be made on the errata sheets, not on the 19 transcript itself. All errata sheets should be 20 signed and all signature pages need to be signed 21 and notarized. 22 After the deponent has completed the above, please return all signature pages and errata sheets to me at the above address, and I will handle distribution to the respective parties. If you have any questions, please call me at the phone number below. Sincerely, Cindy Alicea Signature Department Calicea2@mcdeps.com Court Reporter Present: Dawn C. Evers</p> <p style="text-align: right;">116</p>



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 date initials No.

IN THE
 UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

William D. Rely EL B03069
 Plaintiff,

v.

Salvador Godinez et al.
 Defendant

Case No. 15 CV 11180
 Honorable Judge JOHN Z. LEE
 Magistrate Judge Young B. Kim

PROOF/CERTIFICATE OF SERVICE

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PLEASE TAKE NOTICE that on May 24, 2019, I have placed the documents listed below in the institutional mail at Stateville Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: E-filing in the Law Library

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 5/24/19

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1st William D. Rely EL @71

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